

# *City of Kingsville, Texas*

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## **AGENDA CITY COMMISSION**

**MONDAY, JUNE 27, 2022**

**REGULAR MEETING**

**CITY HALL**

**HELEN KLEBERG GROVES COMMUNITY ROOM**

**400 WEST KING AVENUE**

**5:00 P.M.**

**Conference Line call: 1 (415) 655-0001 and  
when prompted type access code: 126 210 9951 #**

**OR**

**Live Videostream: <http://www.cityofkingsville.com/webex>**

### **I. Preliminary Proceedings.**

#### **OPEN MEETING**

**INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)**

#### **MINUTES OF PREVIOUS MEETING(S)**

Regular Meeting - May 23, 2022

Regular Meeting - June 13, 2022

APPROVED BY:



Mark McLaughlin  
City Manager

### **II. Public Hearing - (Required by Law).<sup>1</sup>**

None.

### **III. Reports from Commission & Staff.<sup>2</sup>**

*"At this time, the City Commission and Staff will report/update on all committee assignments which may include, but is not limited to, the following: Planning & Zoning Commission, Zoning Board of Adjustments, Historical Board, Housing Authority Board, Library Board, Health Board, Tourism, Chamber of Commerce, Coastal Bend Council of Governments, Conner Museum, Keep Kingsville Beautiful, and Texas Municipal League. Staff reports include the following: Building & Development, Code Enforcement, Condemnation Update, Proposed Development Report; Accounting & Finance – Financial & Investment Information, Investment Report, Quarterly Budget Report, Monthly Financial Reports, Utilities Billing Update; Police & Fire Department – Grant Update, Police & Fire Reports; Streets Update; Public Works; Landfill Update, Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Emergency Management, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Health Department, Hotel Occupancy Report, Quiet Zone, SEP, Legislative Update, Proclamations, Employee Recognition, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor, Wastewater Treatment Plant, Water And Wastewater Rate Study*

*Presentation, Golf Course, Library Summer Programs, Grants Update. No formal action can be taken on these items at this time."*

#### **IV. Public Comment on Agenda Items.<sup>3</sup>**

1. Comments on all agenda and non-agenda items.

#### **V.**

##### **Consent Agenda**

##### **Notice to the Public**

*The following items are of a routine or administrative nature. The Commission has been furnished with background and support material on each item, and/or it has been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote.*

##### **CONSENT MOTIONS, RESOLUTIONS, ORDINANCES AND ORDINANCES FROM PREVIOUS MEETINGS:**

*(At this point the Commission will vote on all motions, resolutions and ordinances not removed for individual consideration)*

1. Motion to approve final passage of an ordinance amending the Fiscal Year 2021-2022 budget to accept and expend a donation from Other's First for firefighting equipment. (Fire Chief).
2. Motion to approve final passage of an ordinance amending the Fiscal Year 2021-2022 budget to increase the Park maintenance motor gas & oil budget due to rising costs. (Parks Director).
3. Motion to approve final passage of an ordinance amending the Fiscal Year 2021-2022 budget to accept and expend donations from the Kleberg County Attorney Task Force for healthy family events. (Parks Director).
4. Motion to approve final passage of an ordinance amending the Fiscal Year 2021-2022 budget to expend Tourism ARP funding for office furniture. (Tourism Director).

##### **REGULAR AGENDA**

##### **CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:**

#### **VI. Items for consideration by Commissioners.<sup>4</sup>**

5. Presentation and discussion regarding a proposed Public Improvement District (PID) in the City of Kingsville. (City Attorney).
6. Consider final passage of an ordinance amending the Fiscal Year 2021-2022 budget to appropriate funding for the parking lot preparation and hot mix overlay of the west, east, and north parking areas at the JK Northway. (City Manager).
7. Consider final passage of an ordinance amending the Fiscal Year 2021-2022 budget to appropriate funding for the parking lot study and phase 1 buildout of parking areas around the baseball fields at Dick Kleberg Park. (ARP Funds) (City Manager).

8. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter VII, Article 6, Traffic Control Devices; providing for the restriction of parking during certain hours on both sides of East Ailsie Ave. from 14<sup>th</sup> Street to Shelly Blvd. and on both sides of East Kenedy Avenue from 17<sup>th</sup> to 18<sup>th</sup> Streets. (City Engineer).
9. Consider introduction of an ordinance amending the Fiscal Year 2021-2022 budget to provide funding for Storm Water Manhole Rehabilitation. (City Engineer).
10. Consider authorizing Stormwater Manhole Rehabilitation Project to Vortex Companies via BuyBoard, as per staff recommendation. (City Engineer).
11. Consider a resolution authorizing the City Manager to execute a letter Agreement with the King Ranch for Use of their Running W Trademark in the Fire Department Shield. (Tourism Director).
12. Consider a resolution authorizing the City Manager to execute a letter Agreement with the King Ranch for Use of their Running W Trademark in the Police Department Shield. (Tourism Director).
13. Consider introduction of an ordinance amending the Fiscal Year 2021-2022 budget for increased credit card fees. (Finance Director).
14. Consider introduction of an ordinance amending the Fiscal Year 2021-2022 budget to provide funding for the debt service payment from Fund 087 for the solid waste equipment purchased through 2021 and 2022 Tax Notes. (Finance Director).
15. Consider introduction of an ordinance amending the Fiscal Year 2021-2022 budget to appropriate funding for 50% of the renovation costs of the golf course remaining 15 greens and the putting green. (Parks Director).
16. Consider introduction of an ordinance amending the Fiscal Year 2021-2022 budget to provide additional funding for increased motor gas and oils costs for the Golf Course. (Parks Director).
17. Consider introduction of an ordinance amending the Fiscal Year 2021-2022 budget to appropriate additional funding for vehicle repairs on sanitation garbage trucks. (Public Works Director).
18. Consider introduction of an ordinance amending the Fiscal Year 2021-2022 budget to provide funding for Water Well #23 repairs. (Public Works Director).
19. Consider introduction of an ordinance amending the Fiscal Year 2021-2022 budget to provide additional funding for increased costs in solid waste. (Public Works Director).
20. Consider introduction of an ordinance amending the Fiscal Year 2021-2022 budget to provide additional funding for increased costs in the Police Department for overtime and vehicle maintenance. (Police Chief).
21. Consider awarding Depository Services Agreement RFA#22-12 to Kleberg Bank, as per staff recommendation and authorizing staff to negotiate a contract. (Purchasing Manager).

22. Consider introduction of an ordinance amending the Fiscal Year 2021-2022 budget to appropriate funding for landscape architecture services for Chamberlain Park. (Purchasing Manager).

23. Discuss implementing a grievance procedure within the City of Kingsville. (Commissioner Torres).

## VII. Adjournment.

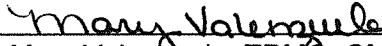
1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative Commission votes. The speaker must identify himself by name and address.
4. Items being considered by the Commission for action except citizen's comments to the Mayor and Commission, no comment at this point without 5 affirmative votes of the Commission.

### NOTICE

This City of Kingsville and Community Room are wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at 361/595-8002 or FAX 361/595-8024 or E-Mail mvalenzuela@cityofkingsville.com for further information. Braille Is Not Available. The City Commission reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Government Code, Section 551-071 (Consultation with Attorney), 551-072 (Deliberations about Real Property), 551-073 (Deliberations about Gifts and Donations), 551-074 (Personnel Matters), 551-076 (Deliberations about Security Devices), 551-086 (Certain Public Power Utilities: Competitive Matters), and 551-087 (Economic Development).

I, the undersigned authority do hereby certify that the Notice of Meeting was posted on the bulletin board located at City Hall, 400 West King Ave, of the City of Kingsville, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time:

June 23, 2022 at 11:30 A.M. and remained so posted continuously for at least 72 hours proceeding the schedule time of said meeting.

  
\_\_\_\_\_  
Mary Valenzuela, TRMC, CMC, City Secretary  
City of Kingsville, Texas

This public notice was removed from the official posting board at the Kingsville City Hall on the following date and time: \_\_\_\_\_

By: \_\_\_\_\_  
City Secretary's Office  
City of Kingsville, Texas



# **MINUTES OF PREVIOUS MEETING(S)**

**MAY 23, 2022**

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, MAY 23, 2022, IN THE HELEN KLEBERG GROVES COMMUNITY ROOM, 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 5:00 P.M.**

**CITY COMMISSION PRESENT:**

Sam R. Fugate, Mayor  
Hector Hinojosa, Commissioner  
Norma N. Alvarez, Commissioner  
Edna Lopez, Commissioner  
Ann Marie Torres, Commissioner

**CITY STAFF PRESENT:**

Mark McLaughlin, City Manager  
Mary Valenzuela, City Secretary  
Courtney Alvarez, City Attorney  
Kyle Benson, IT Manager  
Derek Williams, IT  
Ricardo Torres, Police Chief  
Emilio Garcia, Health Director  
Charlie Sosa, Purchasing Manager  
Juan J. Adame, Fire Chief  
Susan Ivy, Parks & Recreation Manager  
Deborah Balli, Finance Director  
Uchechukwu Echeozo, Director of Planning & Development Services  
Kobby Agyekum, Senior Planner/HPO  
Janine Reyes, Tourism Director  
Diana Gonzales, Human Resources Director

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate opened the meeting at 5:00 p.m. with all five City Commission members present.

**INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)**

The invocation was delivered by Ms. Courtney Alvarez, City Attorney, followed by the Pledge of Allegiance and the Texas Pledge.

**MINUTES OF PREVIOUS MEETING(S)**

None.

**II. Public Hearing - (Required by Law).<sup>1</sup>**

None.

**III. Reports from Commission & Staff.<sup>2</sup>**

*“At this time, the City Commission and Staff will report/update on all committee assignments which may include, but is not limited to, the following: Planning & Zoning Commission, Zoning Board of Adjustments, Historical Board, Housing Authority Board, Library Board, Health Board, Tourism, Chamber of Commerce, Coastal Bend Council of Governments, Conner Museum, Keep Kingsville Beautiful, and Texas Municipal League. Staff reports include the following: Building & Development, Code Enforcement, Condemnation Update, Proposed Development Report; Accounting & Finance – Financial & Investment Information, Investment Report, Quarterly Budget Report, Monthly Financial Reports, Utilities Billing Update; Police & Fire Department – Grant Update, Police & Fire Reports; Streets Update; Public Works; Landfill Update, Building*

*Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Emergency Management, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Health Department, Hotel Occupancy Report, Quiet Zone, SEP, Legislative Update, Proclamations, Employee Recognition, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor, Wastewater Treatment Plant, Water And Wastewater Rate Study Presentation, Golf Course, Library Summer Programs, Grants Update. No formal action can be taken on these items at this time.”*

Mr. Mark McLaughlin, City Manager provided the Fiscal Year 2021-2022 Second Quarter Investment Report to the City Commission. He stated that the City of Kingsville is sitting financially strong. He further reported that the Kingsville Chamber of Commerce is hosting a State of the City on May 25, 2022, in the ballrooms of the Student Union Building located at Texas A&M University-Kingsville.

Ms. Courtney Alvarez, City Attorney reported that a special City Commission meeting is scheduled for Tuesday, May 24, 2022, at 4:00 P.M. Also scheduled is a workshop on Friday, June 3, 2022. The next regularly scheduled Commission meeting is set for Monday, June 13, 2022.

Ms. Margaret Somereve, Executive Director for Texas Coalition of Affordable Power (TCAP) presented the City of Kingsville with a Founding Members Trophy.

Mayor Fugate presented a proclamation for Flood Awareness Week.

Commissioner Alvarez commented that she would like to clarify something as there have been two posts that have been made by Judge Madrid that mentions her name. She continued to state that the first one states that she was against the re-doing of the JK Northway parking lot. If the Judge would have stayed for the rest of the meeting two weeks ago, he would have heard that I am not against it. She further commented that the latest post, which was sent out early Friday morning, and by the way, it was sent out before the agenda was even posted and she didn't even know what was on the agenda, or before when I saw this post. She further stated that she is going to quote the comment, “City Commissioner Norma Alvarez has teamed up with City Commissioner Hector Hinojosa and City Commissioner Ann Marie Torres. Commissioner Alvarez commented that this is not her first rodeo as she has been a City Commissioner for four years in the late 90s and County Commissioner for eight years and knows how this works. Alvarez further commented that she does not team up with anyone and no one teams up with her and commented that she makes her own decisions. Alvarez further stated that the Judge went on to say and I read, “The City obligated several years ago to re-do the entire parking lot if the county refurbished the JK Northway.” She further stated that the JK Northway is not completed yet and now, on Friday I attended the COG meeting where I asked about the grant. They received \$5 million, but it's only to be used for a new building that will be attached to the coliseum, which is to help 14 counties. She stated that her question was, “What are the other counties going to contribute?” The County does not have the money for the parking lots, but they are giving away money. \$10, 000.00 for Epiphany School and \$10,000.00 for the Education Foundation. Since when is it legal to give out public money? We need more streets paved, potholes fixed, and the ballpark parking lots re-done. She further stated that Mayor Fugate, at the last meeting said that if we wanted to blame someone for the conditions of the park, we need to blame the county. Well, I am not here to blame anyone, but to see we start working on the fields as soon as possible; with a study and if we need a study for the ballpark fields then we also need a study for the parking lot. She continued to comment that lastly, I will say this again, I am not against re-doing the parking lot. Only when it will be done and with what money. I will be adding an

agenda item for the next City Commissioner meeting, for, work to begin on the parking lot, until the new EOC building is built, and the coliseum is refurbished.

Commissioner Hinojosa commented that since his name was mentioned on social media, he makes his own decisions and does not allow anyone to persuade him in any way. He stated that if he wants to say something to someone, he will tell them. He doesn't agree with the money coming from Fund 92 as it is for the streets. He further commented that he would hate for this money to be used for a parking lot and he is not against the city's help, but what he is against is the cost. Is the city going to pay the full amount? Hinojosa stated that the city is hurting as well but doesn't mind helping but the county has skin in this game. They need to come up with the money as they have savings in other items such as a reduction in their insurance fund which was done by Mr. Phil Esquivel. Hinojosa commented that he does not want to hear that the County doesn't have any money and he agrees to 50/50 at this point.

Mayor Fugate commented that this is something that needs to be tended to at a regular meeting.

Commissioner Torres commented that her comment is regarding the Kingsville Record edition of May 19, 2022, Our Opinion, and further stated, I appreciate everyone's opinion but not sure whose opinion it is as there is no name. If it is only the opinion of one person, Mr. Fitzwater, then the column should read My Opinion. She further stated that she would like to clarify some misinformation. She further commented that her name is spelled, Ann Marie. She stated that she knows that she is a Latina, but she is an American Latina. So not all of us are named Anna, so she would like to clarify this. She further commented that the budget did not have a specific budget line item it was placed under the street maintenance and further stated that it was in regards to one of the paragraphs of Our opinion. This is the first I hear of an informal agreement. Now the question that we have is Kingsville citizens and the commission should be asking who made the informal agreement, what was discussed, and who made these decisions without the City Commission. Budget amendments are extremely common, and they are done at City Commissioner's meetings, things change within our city all the time and if you see our city agendas, there are some to consider. JK Northway Regional Emergency, please explain the \$5 million grant for that and its details, but I'll ask that during the agenda items. Will any of the 14 counties be assisting with any funds? Now we all know that heavy equipment, she has driven heavy equipment, can do damage to our streets and our parking lots. So how will this affect the JK Northway parking lot before it is even complete? Do we know the phase that the JK Northway is in? You don't have to second guess why this matter is being brought forward and it was discussed in agenda item #17 at the last city commissioner's meeting, the one that everyone left before it was even discussed, but I will discuss it again. According to the City Manager in an email I do have from him, there has never been a study for the JK Northway parking lot. So how do we need to have a study done for our park's parking lots and ballparks when one hasn't been done for the JK Northway, but we are ready to proceed with that parking lot. He guesstimated and I will repeat that he guesstimated at \$400,000. He has no concrete evidence of anything that it will cost \$400,000. We have never gone out for a bid, no one has ever attempted to fix that, not the county and not the city; and those are in the count records and the city records. Why not begin a study now since we don't have concrete plans for the JK Northway. What is the rush for the parking lot, when the JK Northway hasn't been completed at all? I know when a home property in Kingsville fixes or changes something they are required to have plans due to city ordinances brought to the planning department, especially for inspection which are very rigorous, and she is aware of that as she has built her home in Kingsville. If the county wants the city to adhere to the budget, then the county should also do that. The counties can promise monies everywhere else, yet they have no money to fix the parking lot. I believe everyone wins when our city streets and our city parks are fixed before a parking lot that has not begun building anything. What is the rush,

the JK Emergency Center has not even begun? So, it can't be said that the rush for the emergency center is not even there. I hope this clarifies some things for the Kingsville Record. Our opinion individual or individuals, thank you.

Mayor Fugate commented that he attended Mrs. Helen Kleberg Groves funeral last week. One thing that made him feel prideful is that Mrs. Groves photograph that was displayed as you walked into the church, which was in a place of prominence, and the foyer was full of flowers, and the flowers that the family picked to put next to her photograph, were those sent from the City of Kingsville. He further stated that Kingsville was near and dear to Mrs. Groves heart. She spent a lot of her early youth and time here and was a great philanthropist here, for this particular project which is why the Community Room has been named after Mrs. Groves.

#### **IV. Public Comment on Agenda Items.<sup>3</sup>**

##### **1. Comments on all agenda and non-agenda items.**

Mayor Fugate further stated that as we move forward to the public comments on this agenda, he is aware that this is some emotional issue, but we conduct our business in an orderly fashion. There will be no outbursts and no clapping, everyone will have an opportunity to make their comments but ask that everyone be professional about it. Because there are so many individuals that will be making public comments, the Commission will only allow the allotted 3 minutes for comments. This will allow everyone to speak.

Mrs. Elizabeth Ramos, 615 Elizabeth, commented that while she was sitting in this room listening to Mayor Fugate's comments, she noticed a white dog walking along the side of city hall. She further commented that the reason she is here today is that she likes to voice her opinion and allows and encourages it on her Facebook page as a school board member. She encourages citizens to come to their meetings and participate as it means so much more than a comment on social media or a text message to a council member or board member. She further commented that the reason for her being here today is that she woke up this morning with a child who is slightly unruly about getting to school this morning. Under her circumstances this morning, she had to take him outside so that he wouldn't wake up anyone else. While she was discussing going to school today with her child, she was rushed by three large German Shepard dogs into her back patio area. Scared for herself and her son she grabbed him and went inside. As she is doing this, four furry four-legged friends of theirs spread out and start running for it. She further stated that all these things happen in any place where you live, she is not here to file a grievance with anyone as she is aware that the city works very hard, but she is wondering if there is any follow-up to a lot of the communication that has been had from the pet groups in the area. She stated that she thought there were talks about a Mayoral Adhoc group. She went online to voice her opinion about how, oh it's just a dog running around which could be a bit more serious than a dog running around. She stated that they spent three hours not going to school and looking for his favorite pet this morning. Granted that it is not life-threatening, it could be. She believes that someone commented that the dog attacked their cat but is not sure. She further stated that she feels that we need to educate the community and having a group run by you, the city manager would help inform these people about what should be right or wrong. She received some comments such as, you should have had your cat on a leash as if the cat enjoys being on a leash. She further commented that maybe she should have put her kid on a leash while she was out there you know, as that makes total sense. She further commented that she should be a responsible pet owner and not allow her pets out onto her yard, those are the comments she has received. Mrs. Ramos commented that we have to do better than that and a committee would be a great place to start. Our local businesses being more dog friendly would help. She further commented that the city has a dog park and therefore should keep

going, what else can we do to get these dogs out of the house, instead of there being freedom, let me run for it and terrorize a neighborhood. She stated that she has been looking at the agendas and hasn't seen anything, but she would be on board to help with anything like that.

Mr. Kamlish Beca, Quality Inn Hotel owner, commented that he would like to say thank you for making the right decision that will be held today, financially. He further commented that he and other hoteliers are in support of all efforts to complete the upgrades necessary for the JK Northway. This can host various events which help the entire Kingsville businesses in the community. As a hotel owner, he can assure that they will see a positive impact on hotel stays when large events are hosted at the JK Northway facility. He further commented that not only are they benefitting from this, but the community at large sees an impact when visitors eat at our restaurants and shop at our stores. He further commented that they are in full support of Kleberg County together with the City of Kingsville to upgrade to the JK Northway Exposition Center.

Mrs. Dianne Leubert, 715 W. Nettie commented that she is the President of Kingsville Animal Advocates, and she would like to know if everyone here thinks that it's going well with the city's animal control. In the last two to three weeks there have been over 11 dogs killed and she believes that there are five to seven or eight coming up on Friday. She stated that they are not sitting on their duffs. Kingsville Animal Advocates has over 30 animals right now that they keep out of the pound leaving. They spend thousands of dollars in this community to help save animals. They have parvo puppies and a cruelty or abandonment case at this time. She further commented that they are fighting and working with these animals. She further asked that she like to know what the city has done. What has animal control and the City of Kingsville done to improve anything in the last 10 years, besides putting stuff on paper and saying hey, we are going to be doing this; and yet, what is going on? Mrs. Leubert stated that we have had opportunities and people who have begged to help, begged to give information, begged to come and speak to the Commission, and do anything that they can to help, but no, they are doing just fine.

Mr. Rudy Madrid, Kleberg County Judge, commented that he would like to address the comments that were just mentioned. He stated that the county never said it didn't have any money, as they do have money. They worked very hard for this community to make money, and the county's finances will prove this to the Commission. He further commented that they work very hard for grants that the city gets to take advantage of as well, which has been proven time and time again. He stated that they have a Regional Emergency Operation Center and a Regional Law & Fire Rescue being built right now as well as a beautiful expo center that is being built. He challenges every one of the commissioners to come out. He stated that last week when he attended the Commission meeting, he told the Commission to come out and look at the progress and if there were any questions, he would walk them through it and show them where they are at. He stated that the City Manager has visited with him multiple times and knows where they are at on the progress of the project. He commented that everyone keeps saying about the timeline and that it's not even built, they are working hard every day. It's going to be built according to the City Manager's timeline. Both Mayor Fugate and Commissioner Lopez came out to see the progress, but not the other three commissioners. He further commented that they had a meeting with Commissioner Torres, but she canceled 30 minutes before the meeting. He stated that he had a proposal to assist her with the parks. He further stated that the city roads and the parking lot are near and dear to them as well, and he had a proposal for her. He stated that it is right, the county park was left in disarray 9 to 10 years ago before he came to Kleberg County then it was given to the city. He further stated that the county gives the city \$500,000 a year to maintain it and he hasn't seen anything done yet. He also

commented that Commissioner Alvarez was a County Commissioner when the county-owned it and went bad, so she can be at fault for this as well. He stated that what she has done as a county commissioner he has no idea as she didn't do anything for the county, and she is proven what she is doing for the city. He stated that when it comes to Commissioner Hinojosa, he knows for a fact what he and Commissioner Alvarez have been saying about him, which will be kept for another day, another authoritative body, but right now he will tell both of them, if they know what is best for them they will recuse themselves tonight as he knows what they have done and at this time they are in violation of their fiduciary duties. He stated that they need to be voting on behalf of Kleberg County, citizens, and taxpayers and not about their personal beliefs about him. He further stated that he is sorry that Commissioner Alvarez's husband decided to run for County Judge, let him wear his boots, and run against him, he's got this. Mr. Madrid further commented to Commissioner Hinojosa that he should be ashamed of himself as you give the eucharist at church. He also commented to Commissioner Torres that he loves her to death and has grown up together and he wanted to make her an offer as he sees how important the parks are, he gets this. He further stated that the parks belong to the city, and he had an offer for her to assist the city in putting the parking lots together which the county is willing to assist with that, but if she would have shown up at the meeting today, he would have let her know of his plans. Together they could have come to this meeting and said that we fixed it and we will be getting both done. Mr. Madrid further stated that as of the city's road budget, the city was in budget workshops, and it should have been figured out during budget workshops. You don't wait until the middle of an emergency operation project to decide to defund it. He commented that this is for our kids, and we are fighting for the same kids that use it. With all of the money that this project is bringing in and the safety value that it puts on the community, you just can't put a price on safety. He stated that they worked very hard to make this happen and have so many people involved in this. He commented that Mrs. Groves would be so upset if she knew that this was going on, as he guarantees that she would be the first one here in support of this as she is the one who gave the idea to move it to the JK Northway. He commented that he is aware that his comment time is up and wishes that he had more time to speak about this and hopes to get called during the agenda meeting, and he is here in support of the taxpayers as they deserve it. He further commented that he is sorry that the Commission doesn't feel that giving money to schools is important, he does, and they did that the first time during COVID to help the school district to give each school district \$10,000 and will do it again this year and is sorry that Commissioner Alvarez doesn't approve of that.

Mr. Terry Fitzwater 231 E. Kleberg commented that he apologizes for misspelling Commissioner Torre's name but doesn't ever play the race card with me. He has five Hispanic women working for him and to say that this was racially motivated is an insult to him and it's below her dignity. He further commented to not ever do that again. Mr. Fitzwater commented that he is here today to say that the newspaper will support any project that the city does for rehabilitating the parking lots. He visited the area and spoke with baseball coaches this weekend. What he was told is that it needs to be done, but what they are more worried about is the speed that is going through there. It is not about the parking as they are worried about kids running between cars. It is not parking, it's the speed that people are traveling. He further commented that he urges the Commission to keep on track of what they are doing. The Commission had it in budget workshops, voted on it, and approved it. He stated that he is not going to speculate as to the real reason this is coming up at this time, but the Commission had all this time to go through it and Mr. Madrid has received a lot of money from the State to get this project done and wants it done by the end of the year. To put \$150,000 in the streets and is sure that the city manager will not have to guesstimate as he will tell you that he can't do an entire street on \$150,000. To say that this is for streets, there is another reason here. He commented that it isn't for streets, support what the

Commission has agreed to do, and do not sully the city's reputation by going back on a deal that was made. Mr. Fitzwater commented that Mayor Fugate made the deal, and he owns up to it as he called him and asked him and admitted that they made it. He further commented that the Commission knew about this when it came up for budget workshops and doesn't believe anybody stating that this was the first you have heard of this last week or read about it in the editorial. He further commented that the editorials are not assigned, they are in the position of the paper, the column he writes. Mr. Fitzwater commented that he urges the commission what they said they would do over a year ago, follow through and keep the city's reputation so that when they make an agreement and they make a promise, you keep it as he hates to be Manny Salazar if the commission turns down this agreement that has been made or put it off and Mr. Salazar has to bring in a business or try to bring in a business to town. He further commented that the Commission's promises aren't worth the paper for its written on as it will only have detrimental effects down the road.

Mr. Lance Hamm, 912 South Creek commented that he would like to thank the City Commission, Judge Rudy Madrid, County Commissioners, and all Independent School Districts in this community as it was a community effort to help out with agenda item #4 in tonight's agenda for 45mph on the highway. He further commented that he is here primarily today to go back to the discussion he had about the City Attorney's comment about the March 28<sup>th</sup> item #8 on the agenda. He further commented that the last time he was here he spoke about the City Attorney's comment about liability. It's never going to be on the city's liability for a speed limit on the Texas highway or US highway as it is not possible. Mr. Lance stated that today he is here to speak about her other comment which was that the study shouldn't have been done because there is no speed study and the fact that she said that we have absolutely no basis of fact for setting that limit. Mr. Hamm commented that he believes that this is false. Mr. Hamm stated that you have her opinion, and you have his opinion, and his opinion is based on fact. He further stated that TxDOT does a speed study and is based on planning. They plan that construction zone years in advance where there are distances, speeds, and times which is all math on paper and basis on fact. He stated that he was out there walking the project and although we got 45mph, what he would like the commissioners to do is that the next time the commission speaks to TxDOT to say is 45mph within all the standards for safety for 6,000 vehicles a day or is there some exception that TxDOT used to get down to 45mph. he further asked what those exceptions are. He stated that right now we have decel lanes coming into the RV Park and South Creek Subdivision that are below standards. They are not safe. The RV Park has about 300 feet of decel lane. He stated that his neighbors in South Creek have 125 feet. He further commented that if you look at the TxDOT numbers in their manual's basis of fact. It is well below what is required for safety. For South Creek, 125 feet at 45 mph an hour they need 345 feet. He stated that there is your exception and basis of fact that the speed limits they were going to initially set at 55mph were way out of the window. The speed limit of 45mph goes us closer but with 45mph they need 345 feet, and they have 125 feet. He stated that even if you go down to 35mph, their manual, their study, and books say 160 feet. He stated that it still doesn't meet the safety standards of the TxDOT manual. Mr. Hamm stated that the email he sent the commission on January 8<sup>th</sup> when he went through A through G items are all the basis of fact items that the commission needs to ask TxDOT if that highway meeting those standards based on those seven items. Are there any exceptions to their project and their 45mph?

Mr. Filemon Esquivel 1232 E. King Ave commented that he knows that there is an issue tonight, but the bottom line is we are all in this together. It is a good situation right now, the city is getting some money of \$5.9 million that the city wasn't expecting that Judge Rudy Madrid assisted in getting for the city, and the county receiving \$5.4 million so everyone knows that there will be money available. Mr. Esquivel stated that the bottom line is that the only way we will go forward, Kingsville in general, the county, city, and



school district is that the only way we are going to get better is by working together. He stated that if you agree with an agreement, you have to follow through with it as the county judge is on a timeline and he has seen this man work and how he makes things happen. He further stated that he is a good leader, a lieutenant commander, and an advanced nurse practitioner. He stated that this individual went from a negative budget to a positive budget. He has about \$9 million in surplus when they never had that before. He changed the Exxon building into a \$400,000 expense and now it is a \$400,000 rental income revenue coming to the county. Mr. Esquivel further commented that the county judge knows what he is doing. He stated that all he is asking is that the commission trust him. If you don't trust him then hang out with him and go and see what he is talking about and you will soon realize that there is a big picture to it all. Mr. Esquivel further stated that when this becomes the Emergency Management Center, they will be training being done which they will be staying in hotels and eating meals here. When there are large softball tournaments the kids will have a place to go to stay in a nice cool area rather than staying out and about. Mr. Esquivel further stated that all he is asking for is for everyone to work together and back each other up and stick to the plans that were agreed upon. He further that the county, city, and KISD are doing a good job.

Cindy Palljio, 470 West Private Road 2137 commented that she lives in Kingsville and has 3 boys that grew up here and they are livestock show people. The JK Northway is very dear to them as they have spent many hours there. She further commented that she is part of a group that runs the JK Northway three weekends out of the year and has been part of this group for ten years with the group being in existence for more than 15 years. She further stated that every year they do research and hire judges and people to come in and speak to the hotels and book the judges into the hotels. Every time there is a show the hotels are booked. She further stated that they know that restaurants are packed, and people are shopping. She stated that if she had to guess, they are probably the largest group that rents the JK Northway every year. She also stated that their county livestock show brings many visitors into the city and spends their money at local stores. The livestock show brings in lots of money into the city along with the art show that she is part of.

Mr. Billy Tiffie, 2714 Franklin Adams commented that he grew up in this town and played baseball, showed livestock, and rodeo out there. The facility is far behind and you can go to other towns this facility is far behind. He further commented that when Judge Madrid first was elected he didn't know much about him and wasn't high on him. He stated that he has been very impressed with what Judge Madrid has done. He has worked hard and is the only one in a lot of years that has tried hard to do something that is needed to be done for 30 years. Judge Madrid is the first individual to try and get it done. Mr. Tiffie commented that he stands behind Judge Madrid.

V.

### **Consent Agenda**

### **Notice to the Public**

*The following items are of a routine or administrative nature. The Commission has been furnished with background and support material on each item, and/or it has been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote.*

### **CONSENT MOTIONS, RESOLUTIONS, ORDINANCES AND ORDINANCES FROM PREVIOUS MEETINGS:**

*(At this point the Commission will vote on all motions, resolutions and ordinances not removed for individual consideration)*

Motion made by Commissioner Lopez to approve the consent agenda as presented, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Torres, Fugate voting "FOR".

**1. Motion to approve final passage of an ordinance amending the zoning ordinance by changing the zoning map in reference to Hoffman Addition, Block 7, Lot 20-21, also known as 200 Block E. Miller, Kingsville, Texas, from C4 (Commercial District) to R1 (Single Family Residential District); amending the comprehensive plan to account for any deviations from the existing comprehensive plan. (Director of Planning & Development Services).**

**2. Motion to approve final passage of an ordinance amending the Fiscal Year 2021-2022 budget to expend ARP Funding for a Golf Course Greens Project. (Parks Director).**

**3. Motion to approve final passage of an ordinance amending the Fiscal Year 2021-2022 budget to expend scoreboard sponsorship donations on associated costs. (Parks Director).**

## **REGULAR AGENDA**

### **CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:**

#### **VI. Items for consideration by Commissioners.<sup>4</sup>**

Mayor Fugate asked that if there were no objections, he would like to move agenda item #9 before item #4. No objections were made.

**4. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter VII, Article 5, Traffic Schedules, setting the speed limit at 45 mph on US Highway 77 By-pass southbound frontage road from 702 feet south of FM 1356 (General Cavazos Blvd.) to the southern city limits of Kingsville. (Pursuant to TxDOT study) (City Engineer).**

Ms. Alvarez stated that just for clarification for the City Commission, she understands sometimes that the law isn't easy to understand or follow if you are not certified or in the field, but the Texas Transportation Code, as she has emailed the mayor and one of the Commissioners, state that for a roadway that belongs to the State, any roadway in the State's highway system, i.e., the highway or access road to the highway is for them to set the speed limit and only after an engineering and traffic study. Mayor Fugate commented to Ms. Alvarez that she did not have to defend herself. Ms. Alvarez continued with her clarification and further stated that there is a reason why an opinion was given to the commission every time this item has come up and she still stands by that decision, of the advice that she gave. The commission should not have to adopt a speed limit before a speed study is done because doing so would have violated state law.

Mayor Fugate commented that he appreciates Ms. Alvarez and value's her advice. He did not take any significance to the comments that were made at the podium. He knows that what she is telling the Commission is correct. The city received the speed study now and the speed is recommended at 45mph, which should make everyone happy. This item will be brought back at the next meeting for a final vote.

Introduction item.

**5. Consider accepting donations for Parks Department Healthy Family Events and Kingsville Parks Youth Pony League Sponsorships. (Parks Director).**

Motion made by Commissioner Alvarez to accept the donations for Parks Department Healthy Family Events and Kingsville Parks Youth Pony League Sponsorships, seconded by Commissioner Torres. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres, Hinojosa, Fugate voting "FOR".

**6. Consider introduction of an ordinance amending the Fiscal Year 2021-2022 budget to accept and expend donations for recreational programs and league sponsorship. (Parks Director).**

Introduction item.

**7. Consider introduction of an ordinance amending the Fiscal Year 2021-2022 budget to expend Tourism ARP funding for the Train Depot to be painted. (Tourism Director).**

Ms. Janine Reyes, Tourism Director stated that the Train Depot needs a fresh coat of paint. The Purchasing Manager has budgeted some improvements that are ongoing and due to lack of funds, power washing and painting of the building had not yet been budgeted. It is the staff's recommendation for the Commission to approve the use of ARPA funds for the power washing and painting of the Train Dept. Ms. Reyes further stated that she would like to mention that the memo submitted for this agenda stated that the lowest bid amount was \$12,900, but the correct amount is \$12,500.

Commissioner Lopez commented that as for the lowest bidder, she didn't see that they had insurance.

Ms. Reyes responded that she worked with the purchasing manager and is not sure if they did or not.

Commissioner Lopez commented that she would check with the purchasing manager on this, as this is only an introduction item.

Commissioner Hinojosa commented that if the cost is \$12,500 then the ordinance would need to reflect this amount as it shows \$12,000.

Mrs. Deborah Balli, Finance Director responded that the amount would be corrected for final approval at the next meeting.

Introduction item.

**8. Consider introduction of an ordinance amending the Fiscal Year 2021-2022 budget to appropriate an additional cash match due to rising costs of equipment covered by the Criminal Justice Division Grant for body worn camera for hardware and software for downloading and storing camera footage. (Police Chief).**

Mr. Ricardo Torres, Chief of Police stated that his department applied for this grant back in October, and unfortunately due to inflation, the cost increased by \$10,457.46. He stated that he did reapply to the grant to see if they would give him a budget adjustment, and they refused it, so now the city's match is an additional \$10,000 making it \$41,107.30 with the cash award \$91,049.54.

Introduction item.

**9. Discuss and consider the JK Northway parking lot paving plan and redirect the money from parking lot paving to additional city street paving projects per the recommendations of the City's Capital Improvement Program Manager and the Public Works Director. (Commissioner Hinojosa).**

Commissioner Hinojosa stated that a budget is a document that can always be changed. You must consider the money coming in and see how it will be spent. He further stated that fund 092 is for streets. It doesn't say anything about parking lots. Citizens are paying \$6.00 on their water bill for the city to repair the streets. He further stated that he understands that the JK Northway needs repairs, but it is not city property, but the city is willing to assist. Hinojosa stated that he is not against the parking lot at the JK Northway, it's just the source of funding for that project. He doesn't think that the project should be paid from fund 092. He stated he doesn't think the city promised to pay for the entire amount and the city needs to see what the cost for this project will be. He further stated that there has to be a limit that he is willing to assist with. He also stated that emergency management is the county's responsibility, and he doesn't mind helping out but are other counties assisting with this project? He commented that everyone needs to assist and not depend on the city.

Mayor Fugate commented that he thinks that the city has the money to do both projects and further asked Mr. McLaughlin if the city had enough funds to do all the parking lots at both the JK Northway and ballparks?

Mr. McLaughlin responded no, not for all of them, not in this fiscal year's budget. He further stated that there is a lot to the parking lots and the staff hasn't decided on the scope of work. There are about eight parking lots in the JK Northway area and the decision needs to be made as to which ones will be done and do they need curb and gutter. Staff will need elevations and flows for rainwater runoff. If you just build on top of them, we may move water where we don't want it to go. The decision of what exactly needs to be done and how the commission may want it done needs to be made.

Mayor Fugate asked for the cost to do the JK Northway project.

Mr. McLaughlin responded that the estimate is \$157,000 to do the three parking lots of the JK Northway-based hot mix overlay at \$12 a square yard. This was predicated on the numbers they did last year. He stated that his estimate is around \$157,000 to \$200,000.

Mayor Fugate asked that if the city commits \$157,000 to this project is the county going to pick up the balance?

Mr. McLaughlin stated that when it was discussed in the budget workshop last year, staff outlined those streets that were the highest priorities and if the city gets to a point, and the County Judge says that he is ready for the parking lot to be done, the city will put in the parking lot and see how much money is left over and continue with streets or we are done. If the judge was not ready for the parking lot, then the city would continue down the street list.

Commissioner Alvarez asked Judge Madrid if he told the city manager that the JK Northway was ready for the parking lot and further asked him how it could be ready if the building was not ready?

Mr. Madrid responded that this week they have already shelled the east side of the JK Northway which took one week to complete. According to the city manager's timeline, it wasn't going to be for several months. He further stated that when you speak about heavy equipment, the heaviest equipment comes from shelling. He stated that his contractor will be done with the shelling by July. He stated that they will be going out for bids for the exterior building, and there will be no heavy equipment required for that.

Commissioner Alvarez asked if they would need to pour cement for the exterior building?

Mr. Madrid responded yes, they will need to pour cement but the reason they are building the parking lot is, aside from being a parking lot for the expo center, that is an official FEMA staging ground for heavy equipment for FEMA, AgriLife, Texas Forestry, fire rescue, and law enforcement for pending hurricanes. Madrid stated that they have the exterior rodeo arena that the county paid for and wasn't part of this deal. He further stated that they have a financial plan put together where it pays for itself and a little cost to our taxpayers. He further stated that the inside of the facility does not have much to go for completion. He further stated that they removed the old fence arena, which was not part of the deal, and they had their welder weld a new rodeo arena. Madrid further discussed the findings that were discovered when they took off the old shell from the facility and found a two-pane wall with 50-year-old insulation which was not part of the budget. It was recommended to remove the insulation out and place good insulation with new panels. He further stated that the county paid for the entire cost of this.

Mayor Fugate asked if the city puts in \$157,000 can the county pick up the balance. Mr. Madrid responded yes. Mayor Fugate further asked if staff had another fund where this money could come from this fiscal year.

Mr. McLaughlin responded that the city could use HOT Funds and then reimburse the Tourism Department with ARPA money, but before doing this, staff would need to ask the experts if this is something that can be done with this fund.

Commissioner Hinojosa commented that ARPA money could not be used for parking lots as they are not considered streets.

Mr. McLaughlin responded that when ARPA money first came about, it was not to be used on streets or for street maintenance. He further stated that they have come back and said that if you tear up streets for whatever reason, you can repave your street. He stated that there are a lot of cities that are taking great liberties with that, but not our city. He further stated that the street maintenance that is being collected from both residential and commercial, is to maintain the street system which is something out of the ordinance. The ordinance states that the street system means, structures, streets, right-of-way, bridges, alleys, and other facilities within the city limits that are dedicated to the use of vehicular traffic, the maintenance and repair of those facilities, and the operation administration of such maintenance and repair under the street preservation program. He further stated that by that definition, the street maintenance fee is not just for streets as it has other things you can use it for which is why he was going to use the street maintenance for the JK Northway parking lot.

Commissioner Hinojosa asked if it can be used for any property or particular property?

Mr. McLaughlin responded that the street maintenance fee would be used for the general public use.

Commissioner Torres asked if Mr. Bill Donnell, Public Works Director had visited the ballparks? Mr. McLaughlin responded that he is not aware of Mr. Donnell had visited the ballparks. Commissioner Torres further asked if what staff had stated was that the cost to do the ballpark parking lots was going to cost \$150,000 to \$200,000.

Mr. McLaughlin responded that as for the ballparks he has no idea. Staff would need to measure those and is not aware of which fields the commission wants to do. He further stated that the one ball field parking lot, which is the one that starts at Escondido

and goes back to the boy's field, is twice the size of the JK Northway parking lots combined. All that is going to be done at the JK Northway is hot mix over an existing parking lot that he knows has taken the stress of heavy equipment and vehicles as you can see the parking lots that are by the ball fields have grass-growing up through them so you can amply that the roots growing up through them you can only say that underneath is dirt. Mr. McLaughlin further stated that the is not aware of what the base is for those parking lots and is not sure what staff can do, it would have to be thoroughly researched by the city's engineering department.

Commissioner Torres asked if the JK Northway has been thoroughly researched? Mr. McLaughlin responded no; it hasn't been thoroughly researched but they have a parking lot already that needs to be resurfaced with a layer of asphalt on top of it. It holds up now or it would be crushed by now. McLaughlin further stated that this is not the issue, having to determine if their parking lot can handle big trucks as it has already been proven that it can. Commissioner Torres asked if without damage? Mr. McLaughlin responded that they don't appear to be damaged now, except for where it doesn't exist on the backside. Commissioner Torres again asked if it didn't appear to be damaged? Mr. McLaughlin responded no, as there are no ruts that he can see. Commissioner Torres asked none? Mr. McLaughlin responded that he can say none, but he thinks that this parking lot is easily correctable to what Judge Madrid wants by throwing a hot mix on it. Commissioner Torres stated that as you enter, you enter the JK Northway there is a large depth, it is cracked in that area, and asked how you could lay hot mix over that? Mr. McLaughlin responded that they go through and fill in all the potholes and fill in all the cracks.....Commissioner Torres commented that she has seen this. Mr. McLaughlin continued his comment and stated that the hot mix overlays the whole thing so that water doesn't get into it and cause more potholes in the future. Commissioner Torres further asked that if the hot mix was to go on there, what is the next phase for the JK Northway?

Mr. Madrid responded that the next phase for the JK Northway, is not the county's phase, that is the city's phase. He further commented that they are continuing work on the JK Northway, and it is 70% complete on the interior of the building and they are also beginning work on the exterior of the building, the shelling of the exterior. He further stated that they have the outdoor arena, which is a project that project is starting now, and the team is working with the city's permitting and fire staff on this project. Mr. Madrid further stated that the county will be going out for bids in mid-June and beginning the build of the external classroom which will be connected to the JK Northway on the front side.

Commissioner Torres asked if no heavy equipment will be used for this project?

Mr. Madrid responded that aside from a cement truck.

Commissioner Torres further asked how much a cement truck weighs?

Mr. Madrid responded if Commissioner Torres was asking him this question, as he is not Google or Alexa to be able to answer her question.

Commissioner Torres responded that a cement truck is extremely heavy and if they are going through a parking lot day in and day out, not including other projects.

Mr. Madrid commented that it is for one day and will be done at 4:00 a.m. and out by 11:00 a.m.

Commissioner Torres commented that what she is talking about is the heavy equipment. If the city will be laying hot mix on the parking lot, the city will have to go back and do it again if the heavy trucks will be using the parking lot.

Mr. Madrid responded that the city won't be responsible for it. If there is a problem with it the county will take care of it. He further stated that he relies on his engineers, experts, and contractors that are out there. If they give him the green light saying that they can make it done, who is he to challenge them as he hires the best so that he can get the best advice.

Commissioner Torres asked if they had done a study on the parking lot? Mr. Madrid commented that he thought she was talking about the annex building. Commissioner Torres further commented that if what Mr. Madrid is saying is that he gets the best, they should have already done it.

Mr. Madrid responded that his guys have nothing to do with the parking lot, the city is doing the parking lot.

Commissioner Torres then asked if the city hadn't done anything?

Mr. Madrid commented that there is a parking lot that has some potholes that need filled and overlay for all three parking lots around the JK Northway.

Commissioner Torres then asked if the city was behind on this?

Mr. McLaughlin responded that he has no intention of doing a study and he is going to do exactly what Mr. Madrid asked for which is to hot mix it. This is what was included in the budget last fiscal year to prepare for this one.

Commissioner Torres asked if the city didn't have to worry about it?

Mr. Madrid commented that if potholes show up next week, shame on the city, but it is the county's problem after that and not the city's. He further stated that all that is being asked is for the city to live up to its obligation and do it.

Commissioner Torres asked what obligation this was as she looked at all the paperwork on this and there was no formal agreement. Her question is who made these agreements.

Mr. Madrid responded that the obligation is what the city did to its taxpayers when it was placed in the city's budget workshop. Commissioner Torres responded, to fix the streets. Mr. Madrid further stated that the city placed the JK Northway in its budget.

Commissioner Torres stated that according to the budget they are street fees and other streets were going to be done before the JK Northway and asked if the city was now moving up the JK Northway before those streets?

Mr. McLaughlin responded that the street list is not a priority list of 1 through 30 in that exact order. It is the highest determined that needs work. He stated that he leaves it up to the Public Works Director, Street Supervisor, and City Engineers to determine where they are mobilized, and do the streets. There are 30 of them on the list that needs to get done. He further stated that it doesn't matter how they get done, so long as they get done before the fiscal year is over. He further commented that they have done an excellent job in doing this. The JK Northway parking lots were in this plan and whenever

they can get to it and whenever Mr. Madrid says we are good to go, that was the plan all along. He further stated that he thinks we can do this and it's not a problem.

Commissioner Torres further stated that the problem is that these streets need to be fixed, before the JK Northway. She further commented that if it is being said that there is no priority and staff decides, then the JK Northway can be the last project on the list, so long as it's done.

Mr. McLaughlin responded that this is what he has been saying. We have four streets, Ragland, Hoffman, Warren, and Huisache that have brand new, a quarter of a million dollars or more, in curb and gutter work and he doesn't want to ruin that by not paving those streets. He further commented that it will get done first and when those are done staff will then move to do the JK Northway then staff will see where the city stands on the money, which he thinks the city will be fine and have some money left over to continue to do more and what is not done this fiscal year from that list, it will start next fiscal year.

Commissioner Hinojosa commented that the city committed \$158,000, even though it was only budgeted at \$89,000, but it is listed as \$158,000 and the county will come up with the remaining balance if it's more than what the city budgeted.

Mr. Madrid responded that it is \$157,000 and not \$158,000.

Commissioner Hinojosa stated that his point is that the county will come up with the difference.

Mr. Madrid responded that the county would come up with the difference if necessary.

Mr. McLaughlin commented that this project has already been approved to be expended from the street maintenance fee. Commissioner Hinojosa responded that he does not agree with that. Mr. McLaughlin further stated that If the Commission wants to change the ordinance that authorizes him to spend the street maintenance fee and tell staff where it would need to be expended from.

Mayor Fugate commented that he is not sure what the disagreement is for and doesn't understand as this is a good project that will help the city's citizens and kids. He further stated that you talk about safety issues, the JK Northway parking lots look like they have been bombed. He further commented that the parking lots by the ball fields look like that back during the time he played baseball back in the 1960s. He further commented to allow staff to decide what needs to be done with the baseball field's parking lots, find out what the cost is then talked about it during the next budget.

Ms. Alvarez stated that before the city expends money from any of its revenue sources, there would still need to be an agreement with the county drafted before spending the city's taxpayers' funds on another entity's property.

Mayor Fugate stated that what he suggests is for the city to get with the county and get an agreement in place and within this agreement, it spells out how much money the city will give and how much the county will give and where the money will be coming from. He further suggested not taking any action on this item at this time and having it at a later meeting.

Commissioner Torres commented that she is confused as first there was an informal agreement and staff was going to do the JK Northway parking lot and now the city attorney is saying that there has to be an agreement before it gets done.



Ms. Alvarez responded that she had announced this at the last meeting as well.

Commissioner Torres then asked what this was for then if we don't have a formal agreement, to begin with.

Mayor Fugate responded that it needs to be done and it doesn't matter why and just get it done.

Commissioner Alvarez asked if the commission would be voting on this agenda item tonight?

Mayor Fugate responded that it's better not to take a vote on this item tonight and allow the city attorney and the county's attorney to draft up an agreement.

No action was taken.

Mr. Madrid commented that he does not do the social meeting thing and if his text message offended anyone he apologizes as it wasn't the intention of the text.

**10. Consider a budget amendment of \$150,000 from fund balance to begin Dick Kleberg Park baseball/softball parking lots. (Commissioner Torres).**

Commissioner Torres stated that she had sent a text to Ms. Alvarez and Ms. Alvarez responded that she needed to put a certain amount for the parks so that staff can begin to do the park's parking lots. She stated that the reason this came up is that she was at a baseball game and one of the kids got hit. He went down and in the parking lot it was packed and the reason she brought this item is that if EMS had to be called there was no way that EMS would have been able to park close to the ballfield and give that child any medical assistance. She further stated that it is her priority to make sure that everyone is taken care of while at the ball fields and the parks.

Commissioner Alvarez asked how much a study would cost? Mr. McLaughlin responded that he is not sure and further asked Mr. Rudy Mora, City Engineer if he would be aware of the cost.

Mr. Mora responded that for other projects that have had a study done, the cost was between \$5,000 to \$7,000, just for the engineering.

Mr. McLaughlin further asked what Mr. Mora thinks it would cost to do a study of these parking lots.

Mayor Fugate commented that it is not fair to ask Mr. Mora this question as he doesn't know what it would cost. He further commented that everyone agrees with Commissioner Torres that something needs to be done with those parking lots, but this is not how you start a project. A project is started by asking the City Manager to fix the parking lots and have him come back with a report to the Commission that will tell them what it will take to fix the parking lots. You can't put a dollar amount to it as you don't know what the cost would be.

Commissioner Alvarez commented that she would like to see the study done this fiscal year and not have to wait for the next fiscal year. She further asked where the money would come from? Mr. McLaughlin responded that he doesn't know yet.

Commissioner Torres commented that this is why she asked for this item to be placed on this agenda.

Commissioner Lopez commented that the commission is getting ahead, and the study needs to be done first and ask the City Manager to do his part. The City Manager needs to do his part first and then come back to the Commission and make his report. Budget workshops are coming up and this can all be discussed during that time.

Mayor Fugate asked the City Attorney that if the Commission votes on this item and it doesn't pass, will the 6-month rule come into play?

Ms. Alvarez responded that the commission can not bring a budget amendment of \$150,000 from fund balance to begin Dick Kleberg Park baseball and softball parking lots back for 6-months.

Commissioner Alvarez asked if it could come back with another figure? Ms. Alvarez responded that she would have to look back at the ordinance and see when the commission passed that ordinance that restricted bringing things that had failed back before the Commission within 6-months if that was needed. She further stated that if this was already going to be rolled into the budget, it would not be a problem. If you are talking about a budget amendment it may depend on what the actual budget amendment was for.

**Motion made by Commissioner Torres to consider a budget amendment of \$150,000 from fund balance to begin Dick Kleberg Park baseball/softball parking lots, seconded by Commissioner Alvarez. The was passed and approved by the following vote: Torres, Hinojosa, Alvarez voting "FOR". Lopez and Fugate voting "AGAINST".**

#### **VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 6:40 P.M.

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Sam R. Fugate, Mayor

#### **ATTEST:**

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Mary Valenzuela, TRMC, CMC, City Secretary

**JUNE 13, 2022**

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JUNE 13, 2022, IN THE HELEN KLEBERG GROVES COMMUNITY ROOM, 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 5:00 P.M.**

**CITY COMMISSION PRESENT:**

Sam R. Fugate, Mayor  
Hector Hinojosa, Commissioner  
Norma N. Alvarez, Commissioner  
Edna Lopez, Commissioner  
Ann Marie Torres, Commissioner

**CITY STAFF PRESENT:**

Mark McLaughlin, City Manager  
Mary Valenzuela, City Secretary  
Courtney Alvarez, City Attorney  
Kyle Benson, IT Manager  
Derek Williams, IT  
Ricardo Torres, Police Chief  
Emilio Garcia, Health Director  
Juan J. Adame, Fire Chief  
Susan Ivy, Parks & Recreation Manager  
Deborah Balli, Finance Director  
Uchechukwu Echeozo, Director of Planning & Development Services  
Kobby Agyekum, Senior Planner/HPO  
Janine Reyes, Tourism Director  
Mike Mora, Capital Improvements Manager  
Diana Gonzales, Human Resources Director  
Joseph Ramirez, Engineers Assistant  
Bill Donnell, Public Works Director

**I. Preliminary Proceedings.**

**OPEN MEETING**

**INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)**

**MINUTES OF PREVIOUS MEETING(S)**

Motion made by Commissioner Lopez to approve the minutes of May 9, 2022, and May 14, 2022, as presented, seconded by Commissioner Torres and Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Torres, Fugate voting "FOR".

**Regular Meeting - May 9, 2022.**

**Special Meeting - May 24, 2022.**

**II. Public Hearing - (Required by Law).<sup>1</sup>**

None.

**III. Reports from Commission & Staff.<sup>2</sup>**

*"At this time, the City Commission and Staff will report/update on all committee assignments which may include, but is not limited to, the following: Planning & Zoning Commission, Zoning Board of Adjustments, Historical Board, Housing Authority Board, Library Board, Health Board, Tourism, Chamber of Commerce, Coastal Bend Council of Governments, Conner Museum, Keep Kingsville Beautiful, and Texas Municipal League. Staff reports include the following: Building & Development, Code Enforcement,*

*Condemnation Update, Proposed Development Report; Accounting & Finance – Financial & Investment Information, Investment Report, Quarterly Budget Report, Monthly Financial Reports, Utilities Billing Update; Police & Fire Department – Grant Update, Police & Fire Reports; Streets Update; Public Works; Landfill Update, Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Emergency Management, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Health Department, Hotel Occupancy Report, Quiet Zone, SEP, Legislative Update, Proclamations, Employee Recognition, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor, Wastewater Treatment Plant, Water And Wastewater Rate Study Presentation, Golf Course, Library Summer Programs, Grants Update. No formal action can be taken on these items at this time.”*

Mr. Mark McLaughlin, City Manager reported that he has given the City Commission a copy of the 2<sup>nd</sup> Quarterly Budget Report which ended on March 31, 2022. The Finance Audit Committee has met regarding this report on Monday, June 13, 2022. Mr. McLaughlin reported that Tuesday, June 14, 2022, is Flag Day with flags being displayed in the downtown area. He further reported that sales tax came in this morning, and we were down by \$11,000 off our projections but we are still up about \$450,000 for the month. Overall year-to-date we are still up over the budgeted projections by over \$360,000.

Ms. Courtney Alvarez, City Attorney reported that the next scheduled City Commission will be on Monday, June 27, 2022. The deadline for staff to submit their agenda items is Thursday, June 16, 2022. She further reported that the city will be observing a holiday on Monday, June 20, 2022, in observance of Juneteenth Day. Ms. Alvarez further reported that staff has received a request from a new developer who wants to assist the city in establishing a Public Improvement District (PID) which is allowed by the statute that helps to offset the cost of the infrastructure that would go into the development. She further stated that the developer and their legal counsel will be making a presentation to the City Commission at the next Commission meeting, on June 27, 2022. She further stated that the city's Bond Counsel Mr. Dan Martinez and our Financial Advisor Mr. Don Gonzalez are aware of this and have had a brief call amongst everyone last week, as they have done these in the past in other cities. They will be coming in to provide some information on the process so that when the Commission is asked at a future meeting, we will all be better informed on how it works.

Commissioner Torres commented as tomorrow, June 14, 2022, is Flag Day, it is also the Army's 247<sup>th</sup> birthday.

Mayor Fugate commented that Mr. Charlie Sosa, Purchasing Manager met with the Foundation that owns the building we are in as our City Hall, and worked with the Foundation on the landscaping for the City Hall area.

#### **IV. Public Comment on Agenda Items.<sup>3</sup>**

1. Comments on all agenda and non-agenda items.

No public comments were made.

#### **V.**

##### **Consent Agenda**

##### **Notice to the Public**

*The following items are of a routine or administrative nature. The Commission has been furnished with background and support material on each item, and/or it has been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by a Commission Member in which event the item*

*or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote.*

**CONSENT MOTIONS, RESOLUTIONS, ORDINANCES AND ORDINANCES FROM PREVIOUS MEETINGS:**

*(At this point the Commission will vote on all motions, resolutions and ordinances not removed for individual consideration)*

**Motion made by Commissioner Lopez to approve the consent agenda as presented, seconded by Commissioner Torres. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres, Hinojosa, Fugate voting "FOR".**

- 1. Motion to approve the reappointment of Dora Martinez to the City's Civil Service Commission for a three-year term. (Human Resource Director).**
- 2. Motion to approve date change of previously approved City sponsored Independence Day concert from July 4<sup>th</sup> to July 3<sup>rd</sup>, 2022. (Downtown Manager).**

**REGULAR AGENDA**

**CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:**

**VI. Items for consideration by Commissioners.<sup>4</sup>**

**3. Presentation by Purple Door's Kleberg End Domestic Violence Task Force on local efforts. (City Manager).**

Ms. Kathy Kimble, President of the Domestic Violence Task Force stated that her organization is not associated with the Purple Door but rather supports the Purple Door. She further introduced those individuals in attendance, Vice President Jennifer Ratcliffe-Jones, Secretary J Dean Craig, and Treasurer Adela Garcia. Ms. Kimble stated that they are a grassroots group that came from a ministerial alliance and concerned citizens in January 2019 as they realized that there was a gap in services for victims of domestic violence. Since then, they have created a court accompany program as well as an emergency hotel voucher system for the local law enforcement and the Purple Door for when women or men can't get to the shelter in Corpus Christi. She further commented that what they have created is a Trusted Location that will be and already has been displayed at churches and businesses that are designated as a Trusted Location. This is a training that has been created for our community to meet the needs of our community.

Ms. Jennifer Ratcliffe-Jones stated that the Trusted Location was created to fill in the gaps when the Purple Door is not open. The Trusted Location allows individuals who are afraid to come to the Purple Door or contact law enforcement to come in and get information and get trained on what domestic violence is and how to get assistance. She further encouraged the Commission and members of the community to come out and learn more about the Trusted Location Program.

Mayor Fugate commented that on behalf of the City Commission he would like to thank this organization for the assistance they are providing our community when it comes to domestic violence.

**4. Consider accepting the Annual Comprehensive Financial Report (ACFR) of the City of Kingsville for Fiscal Year 2020-2021. (Finance Director).**

Mr. Luke Womack, Auditor stated that the Audit Committee met and reviewed the Annual Comprehensive Financial Report for the City of Kingsville. He stated that the City of Kingsville is in good solid shape with no material findings of any kind.

Mrs. Margaret Kelly went over the City of Kingsville's Annual Comprehensive Financial Report for Fiscal Year 2020-2021. She stated that for the general fund column total assets of \$15,690,000.00 which is up from the prior year's \$243,000. Total liabilities are at \$1,313,000.00 which is down from the prior year of \$350,000. Total equity has increased by \$638,000 in the current year, of which a good portion of this is unassigned. The unassigned fund balance increased by \$865,000.00. Committed to street maintenance decreased by \$632,000 as it was planned to do as it was set aside for that purpose and then used. Police forfeiture fund total assets are up to \$219,000 and total liabilities also increased to \$304,000.00 which most of this is pending forfeiture fund and a decrease in fund balance of \$85,000.00. Federal Grants contain the ARP Grant which has been received but not spent. The debt service fund decreased its fund balance to \$214,000 which is everything paying off as expected. The DEAAG grant which has cash transferred in from the utility fund and waiting to be used \$907,000.00, and this amount is down in equity-restricted state and federal programs. Total revenue is down \$683,000 which is because intergovernmental revenue was less than it was last year. Mrs. Kelly commented that most of the categories have increased, taxes increased by \$830,000, and charges for services increased by \$130,000.00. Total expenditures have increased by \$1.1 million which is spread throughout the different categories. Mrs. Kelly stated that there were a lot of expenses this year regarding COVID and other things related to it. Issuance of debt tax notes of \$1.3 million. Police forfeitures revenue decreased by \$95,000, but so were expenses by \$90,000. It had a net change in fund balance of \$85,000 deficit. She stated that federal grants are mostly waiting to happen next year, but the city did have some CDBGs for \$445,000 and a Texas Parks and Wildlife grant for \$360,000. Enterprise Fund balance has total current assets increased by \$4.5 million, which is cash from the ARP Grant, and \$3.3 million in cash from new debt that hasn't been spent yet. Deferred resources are about the same as last year. Current liabilities increased by \$92,000 and total liabilities are up to \$1.9 million which is in the contractual obligations payable which increased by about \$3 million. The total net is up to \$978,000 with restricted capital outlay decreased as it was spent as it was intended to, so the unrestricted is up and balances out evenly with an increase overall of \$978,000. The internal service fund has an increase in cash of \$16 million. Accounts payable is up by \$192,000 which went from a net position of \$1.17 million to \$2.389 million for this year. The utility fund has a total operating revenue of \$10,483,000, an increase of \$907,000 over last year. Operating expenses increased by \$462,000. Net income before transfers was \$2.59 million and last year was \$2.59 million. Transfers out increased for a total net of \$1.981 million with a net income of \$977,000. This brings the fund balance to \$13,384,506.00. Insurance fund revenues increased by \$935,000 that \$370,000 was stop-loss reimbursements. Expenses decreased by \$135,000 this year, in the self-insurance. The net hit to the fund balance is an increase of \$1.17 million bringing the fund balance to \$2,389,000. Mrs. Kelly further reported that on the schedule of findings and question costs, both categories show none. There were no findings to present in the audit.

Mayor Fugate asked how many years has it been that the City of Kingsville has had no findings?

Mrs. Kelly responded that there was a single finding last year that was an issue with the utility billing, wasn't a huge event, but probably for several years that the city has had no findings.

**Motion made by Commissioner Hinojosa to accept the Annual Comprehensive Financial Report (ACFR) of the City of Kingsville for Fiscal Year 2020-2021, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Lopez, Torres, Hinojosa, Alvarez, Fugate voting "FOR".**

**5. Consider accepting donation of \$500 from Others First for firefighting equipment. (Fire Chief).**

Mr. Juan J. Adame, Fire Chief stated that the Kingsville Fire Department has received a donation from Others First for the amount of \$500. The donation will be used for firefighting equipment.

**Motion made by Commissioner Lopez and Commissioner Alvarez to accept the donation of \$500 from Others First for firefighting equipment, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Torres, Hinojosa, Alvarez, Lopez, Fugate voting "FOR".**

**6. Consider introduction of an ordinance amending the Fiscal Year 2021-2022 budget to accept and expend a donation from Other's First for firefighting equipment. (Fire Chief).**

Introduction item.

**7. Consider introduction of an ordinance amending the Fiscal Year 2021-2022 budget to increase the Park maintenance motor gas & oil budget due to rising costs. (Parks Director).**

Mrs. Susan Ivy stated that due to the increase in gas prices, their budget began at \$14,500 for this fiscal year which has already been depleted. They have transferred \$3,000 from within their budget to get one more load of gas but their budget is very lean right now and cannot support their needs for gas for the remainder of the fiscal year. The estimated expenditure for this year is about \$26,000, which requires an additional \$8,500 to finish the fiscal year.

Introduction item.

**8. Consider accepting donation for Parks Department Healthy Family Events from Kleberg County Attorney's Task Force. (Parks Director).**

Mrs. Ivy stated that healthy family events area a series of events that provide healthy living activities for the youth and families of Kingsville and Kleberg County. A donation of \$2,500 was received from Kleberg County Attorney's Task Force for healthy families events.

**Motion made by Commissioner Lopez to accept the donation for Parks Department Healthy Family Events from Kleberg County Attorney's Task Force, seconded by Commissioner Torres. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Torres, Fugate voting "FOR".**

**9. Consider introduction of an ordinance amending the Fiscal Year 2021-2022 budget to accept and expend donations from the Kleberg County Attorney Task Force for healthy family events. (Parks Director).**

Introduction item.

**10. Consider a resolution authorizing the City Manager to execute a letter Agreement with the King Ranch for use of their Running W Trademark in the City Logo. (Tourism Director).**

Ms. Janine Reyes, Tourism Director stated that the City Commission authorized the City Manager to execute a Logo & Brand Guide Development Agreement with ESD and Associates on May 24, 2021. The City Commission voted and approved a final logo on March 28, 2022. This logo was contingent on an agreement for use of the King Ranch Running W incorporated into the final design. This logo will be used for city purposes only and no other purpose. King Ranch representatives have agreed to the use of their

logo and the City Attorney has reviewed and approved the agreement between the City and King Ranch.

Commissioner Torres asked if the King Ranch would be receiving any percentage of the sales made by the Tourism Department.

Ms. Alvarez responded no.

**Motion made by Commissioner Lopez to approve the resolution authorizing the City Manager to execute a letter Agreement with the King Ranch for use of their Running W Trademark in the City Logo, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres, Hinojosa, Fugate voting "FOR".**

**11. Consider authorizing expenditure of Tourism ARP funds to replace worn out office furniture at the Tourism Department. (Tourism Director).**

Ms. Reyes stated that the Kingsville Visitors Center has a lounge space in their lobby with couches for visitors and guests to sit down and browse marketing materials. The couches are in dire need of replacement. Staff worked with the Purchasing Manager to gather a quote on some custom-designed leather couches. A quote from a Dallas vendor who provided the lowest bid for a total of \$9,950, plus freight. This vendor provided the city with a 30% discount on their product. The total cost is estimated at no more than \$10,800. This total includes the custom-made couches at \$9,950 plus freight not expected to exceed \$850. The funding source for this expense is ARPA Funds earmarked for tourism. The remaining balance in ARPA Funds after the commission approves this expense is \$128,044.

**Motion made by Commissioner Lopez to authorize expenditure of Tourism ARP funds to replace worn out office furniture at the Tourism Department, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Lopez, Torres, Hinojosa, Alvarez, Fugate voting "FOR".**

**12. Consider introduction of an ordinance amending the Fiscal Year 2021-2022 budget to expend Tourism ARP funding for office furniture. (Tourism Director).**

Introduction item.

**13. Consider introduction of an ordinance amending the Fiscal Year 2021-2022 budget to appropriate funding for the parking lot preparation and hot mix overlay of the west, east and north parking areas at the JK Northway. (City Manager).**

Mr. McLaughlin stated that based on the conversations from the last city commission meeting, staff understood that they needed to find an alternate source of funding for the JK Northway parking lot so that it would not be taken from the street maintenance fund. What staff is proposing to use is the HOT Fund, a fund balance for an amount of \$158,998. Mr. McLaughlin further stated that Kleberg County Judge has agreed to pick up any overage costs or repairs that may occur while they are renovating the JK Northway.

Introduction item.

**14. Consider introduction of an ordinance amending the Fiscal Year 2021-2022 budget to appropriate funding for the parking lot study and phase 1 buildout of parking areas around the baseball fields at Dick Kleberg Park. (ARP Funds) (City Manager).**

Mr. McLaughlin handed a map of the parking lot which was provided by the City's Engineering Department. The map will show the measurement of the baseball field areas at the park and the cost for full-depth construction. Mr. McLaughlin further



discussed the map which was provided to the Commission. The brand-new layout of ball fields 4 & 6 and the existing fields around the area. Parking areas around the baseball complex revealed that the current conditions of the asphalt parking areas are too far into a state of disrepair, and the only option is to perform full-depth construction replacement. The plan proposed consists of full-depth construction of three separate areas. Full-depth construction involves the removal of 8" of existing dilapidated asphalt and base/dirt material below. The void will be replaced with 6" of packed limestone base, an emulsion for setting the chip seal, a chip seal layer to provide grip for the hot mix, and a 2.5" of hot mix overlay compacted to 2". Total cost for this procedure in material alone is approximately \$20 per square yard. The three identified parking areas include 1) a large rectangular lot that will begin at the northern edge of recently completed sidewalks in the complex, north to the nearest drive-off of the park road, which is approximately 2,200 square yards; 2) second lot is the pump lot. Due to the existence of an abandoned water well/pump area with pipes that still exist above ground. These works will require demolition to prepare an approximately 2,100 square yard parking area; 3) the third lot is triangular and located on the west side of the junction of the park road and the BBQ loop road. This piece of land presents challenges and could be approximately 2,800 square yards. It will most likely be smaller due to drainage areas and distances between the ball field and the BBQ loop road which can make parking a challenge. The final piece is the entrance to the first two parking areas off the park road. This area is approximately 560 square yards. Mr. McLaughlin stated that the total square yards of all three areas should not exceed 7,660 square yards. Some of this area will most likely not be paved due to physical constraints. At the cost of \$20 per square yard for full-depth construction, all 7,760 square yards would cost \$153,200. It is the staff's recommendation to use funds from the ARPA Funds for an amount of \$150,000 from the General Fund AROA State & Local Fund. He further stated that the Street Department will perform the work on the parking lots. Phasing of construction will follow street construction of high-priority streets with new curbs and gutters after the JK Northway hot mix project.

Mayor Fugate commented that he is aware that the city is applying for a Parks & Wildlife Grant and asked if there will be any monies available for these projects?

Mrs. Ivy responded that it will not provide funding for paving. It has to provide a direct recreational service.

Mayor Fugate asked if we could put more money into it to get these projects done.

Mr. McLaughlin responded that for the ARPA funds if the city uses the \$150,000 that was recommended at the last meeting it will take the ARPA balance and General Fund down to \$31,000 unappropriated. All the other funds have been earmarked, but some of it has not been brought to the commission for approval. He further stated that there could be some savings in wastewater treatment plant money that was set aside. At this point, there is only \$31,000 available, but there may be more depending on the Garver study as to what the city will pay for all the wastewater treatment plants. Mr. McLaughlin further stated that he can bring an amendment to this plan and do more parking lots after he sees how the ARPA money plays out.

Mayor Fugate commented that he is aware that there are a lot of citizens that are concerned about the city doing work at the JK Northway and the parks, and not working on the streets. He further asked if the money that is being used for these projects can't be used for city streets?

Mr. McLaughlin responded that the final rule has been adjusted about three times. It has been stated that you can use ARPA money on streets, which is the reason staff is putting it towards these parking lots.

Commissioner Hinojosa commented that he would not recommend that money be used on the streets, as the city will expand quickly by using it on the streets.

Mr. McLaughlin stated that by removing the \$150,000 cost from the streets, he has given the okay for the Street Supervisor to continue working down the street list.

Mayor Fugate commented that staff has repaired a lot of streets. He further stated that the parks do need some repairs and think that the money is well spent for both projects.

Commissioner Torres asked what the cost will be for the old pump house?

Mr. McLaughlin responded that it has been drawn up as they wanted to get the pump area removed and line up the corners as there is a bathroom facility in this area and a giant oak tree is in the way, which the city will not be removing. He further stated that he is not sure if they will pave around the oak tree or angle the parking lot. At this time, it is too premature to state a dollar amount as the area between the ball field and the oak tree on the corner is larger than a basketball court.

Introduction item.

**15. Consider a resolution authorizing the Police Chief to enter a Mutual Aid Agreement between Commanding Officer, Naval Air Station Kingsville, and the City of Kingsville Police Department for authorization to utilize emergency radio frequencies. (Police Chief).**

Mr. Ricardo Torres, Chief of Police stated that NAS Kingsville and the Kingsville Police Department recognize the need for authorized usage of interoperable radio frequencies during disaster-related situations. The goal is to establish network communications between the Kingsville Police Department and NAS Kingsville and to define the working arrangements, relationships, and responsibilities of both parties.

**Motion made by Commissioner Alvarez to approve the resolution authorizing the Police Chief to enter a Mutual Aid Agreement between Commanding Officer, Naval Air Station Kingsville, and the City of Kingsville Police Department for authorization to utilize emergency radio frequencies, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Torres, Hinojosa, Alvarez, Lopez, Fugate voting "FOR".**

**VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 5:52 P.M.

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Sam R. Fugate, Mayor

**ATTEST:**

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Mary Valenzuela, TRMC, CMC, City Secretary

# **CONSENT AGENDA**

# **AGENDA ITEM #1**

**City of Kingsville  
Department Name**

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TO: Mayor and City Commissioners  
CC: Mark McLaughlin, City Manager  
FROM: Juan J. Adame, Fire Chief  
DATE: May 24, 2022  
SUBJECT: Accept donation from Others 1<sup>st</sup>

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**Summary:**

The Kingsville Fire Department is requesting approval to accept a donation from Others First in the amount of \$500.00.

**Background:**

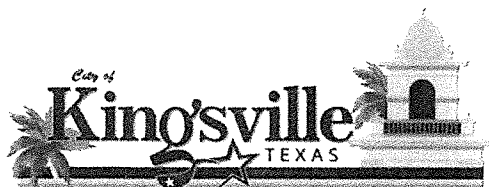
Each month Others First distributes funds to various organizations to assist with their mission.

**Financial Impact:**

No financial impact. This donation will be used in the fire department for firefighting equipment.

**Recommendation:**

Accept the donation from Others First in the amount of \$500.00.



Date 4/27/2022 Invoice Number APRIL 27 2022

Description OTHERS 1ST DONATION

Amount 500.00

Total Amount: 500.00

**Community Bank**  
416 North Water • Corpus Christi, TX 78401-2533  
(361) 888-9810

098267

DATE 5/5/2022

EXPENSE CHECK

ACCOUNT NUMBER

FIVE HUNDRED and 00/100\*\*\*\*\*

AMOUNT \$500.00

**P** KINGSVILLE FIRE DEPARTMENT  
AY 410 W KING ST  
TO KINGSVILLE, TX 78363  
THE  
ORDER OF

AUTHORIZED SIGNATURE

MP

⑈098267⑈ ⑆114911807⑆

⑈9000070⑈

**ORDINANCE NO. 2022-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2021-2022 BUDGET TO ACCEPT AND EXPEND A DONATION FROM OTHER'S FIRST FOR FIREFIGHTING EQUIPMENT.**

**WHEREAS**, it was unforeseen when the budget was adopted that there would be a need for funding for these expenditures this fiscal year.

I.

**BE IT ORDAINED** by the City Commission of the City of Kingsville that the Fiscal Year 2021-2022 budget be amended as follows:

CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT #34

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 001 – General Fund</b>					
<u>Revenues - 4</u>					
2200	Fire	Donations	72030	\$500	
<u>Expenditures – 5</u>					
2200	Fire	Minor Equipment	21700	\$500	

[To amend the City of Kingsville FY 21-22 Budget to accept and expend donation from Other's First for firefighting equipment. Funding comes from the donation received.]

II.

**THAT** all Ordinances or parts of Ordinances in conflict with this Ordinance are repealed to the extent of such conflict only.

III.

**THAT** if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

**THAT** this Ordinance shall not be codified but shall become effective on and after adoption and publication as required by law.

**INTRODUCED** on this the 13th day of June 2022.

**PASSED AND APPROVED** on this the 27th day of June 2022.

**EFFECTIVE DATE:** \_\_\_\_\_

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney



## **AGENDA ITEM #2**

**Kingsville Parks & Recreation**  
400 W. King (mailing)  
501 Santiago Park Lane (physical)  
Kingsville, Texas 78363  
361-221-8705  
Susan Ivy, Director  
361-219-9125



**For Information on events and facilities**  
[www.cityofkingsville.com/departments/parks](http://www.cityofkingsville.com/departments/parks)  
**Email:**  
[sivy@cityofkingsville.com](mailto:sivy@cityofkingsville.com)  
**or follow us on Facebook**  
**Kingsville Parks and Recreation**

**To: Mark McLaughlin, City Manager**

**From: Susan Ivy, Parks Director**

**Date: June 3, 2022**

**Re: City Commission Agenda Request - Budget Amendment for Additional funds for Motor Gas & Oil in Division 4503 – Parks Maintenance**

**Summary** – We are requesting Commission approval for the attached budget amendment for additional funds for motor gas and oil due to rising costs.

**History** – Due to gas price increases nationwide our Motor Gas and Oil line item, which began at \$14,500 for this fiscal year, has been depleted. We have transferred \$3,000.00 from within our budget to get one more load of gas but our budget is very lean right now and cannot support our need for gas for the remainder of the fiscal year. Our Estimated Annual expenditure for this year is \$26,000. This will require an additional \$8,500.00.

**Financial Impact** – This budget amendment will provide an additional \$8,500.00 in our motor gas & oil line item from the General Fund's unappropriated fund balance.

**Recommendation** - We ask that you approve the budget amendment as presented to you today.

**ORDINANCE NO. 2022-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2021-2022 BUDGET TO INCREASE THE PARK MAINTENANCE MOTOR GAS AND OIL BUDGET DUE TO RISING COSTS.**

**WHEREAS**, it was unforeseen when the budget was adopted that there would be a need for funding for these expenditures this fiscal year.

I.

**BE IT ORDAINED** by the City Commission of the City of Kingsville that the Fiscal Year 2021-2022 budget be amended as follows:

CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT #36

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 001 – General Fund</b>					
<u>Expenditures</u>					
4503	Park Maint	Motor Gas & Oil	21500	\$8,500	

[To amend the City of Kingsville FY 21-22 Budget to increase the Park Maintenance Motor Gas & Oil budget due to rising costs. This expenditure will come from the unappropriated fund balance of General Fund.]

II.

**THAT** all Ordinances or parts of Ordinances in conflict with this Ordinance are repealed to the extent of such conflict only.

III.

**THAT** if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

**THAT** this Ordinance shall not be codified but shall become effective on and after adoption and publication as required by law.

**INTRODUCED** on this the 13th day of June 2022.

**PASSED AND APPROVED** on this the 27th day of June 2022.

**EFFECTIVE DATE:** \_\_\_\_\_

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney

# **AGENDA ITEM #3**

**Kingsville Parks & Recreation**  
400 W. King (mailing)  
501 Santiago Park Lane (physical)  
Kingsville, Texas 78363  
361-221-8705  
Susan Ivy, Director  
361-219-9125



Budget Hm.,

**For Information on events and facilities**  
[www.cityofkingsville.com/departments/parks](http://www.cityofkingsville.com/departments/parks)  
**Email:**  
[sivy@cityofkingsville.com](mailto:sivy@cityofkingsville.com)  
**or follow us on Facebook**  
**Kingsville Parks and Recreation**

**To:** Mark McLaughlin, City Manager

**From:** Susan Ivy, Parks Director

**Date:** June 7, 2022

**Re:** City Commission Agenda Request Receipt of Donations from Healthy Family Sponsors

**Summary –** We are requesting Commission approve the receipt of donations for Parks Department Healthy Family Events

**History –** Healthy Family events are a series of events that provide healthy living activities for the youth and families of Kingsville and Kleberg County. This donation of \$2500 is from the Kleberg County Attorney's Task Force for Healthy Family Events.

**Financial Impact –** The Healthy Family donations will increase our recreational programming budget by \$2500.

**Recommendation--** We ask that you approve the receipt of these donations and authorize the expenditure of these funds for the purpose for which they were donated and approve the associated budget amendment.

**ORDINANCE NO. 2022-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2021-2022 BUDGET TO ACCEPT AND EXPEND DONATIONS FROM THE KLEBERG COUNTY ATTORNEY TASK FORCE FOR HEALTHY FAMILY EVENTS.**

**WHEREAS**, it was unforeseen when the budget was adopted that there would be a need for funding for these expenditures this fiscal year.

I.

**BE IT ORDAINED** by the City Commission of the City of Kingsville that the Fiscal Year 2021-2022 budget be amended as follows:

CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT #39

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 001 – General Fund</b>					
<u>Revenues</u>					
4513	Recreation	Donations-Recreation	58003	\$2,500	
<u>Expenditures</u>					
4513	Recreation	Recreational Programs	31499	\$2,500	

[To amend the City of Kingsville FY 21-22 Budget to accept and expend donations from the Kleberg County Attorney Task Force for Healthy Family Events. This expenditure will come from the donation received.]

II.

**THAT** all Ordinances or parts of Ordinances in conflict with this Ordinance are repealed to the extent of such conflict only.

III.

**THAT** if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

**THAT** this Ordinance shall not be codified but shall become effective on and after adoption and publication as required by law.

**INTRODUCED** on this the 13th day of June 2022.

**PASSED AND APPROVED** on this the 27th day of June 2022.

**EFFECTIVE DATE:** \_\_\_\_\_

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney



# **AGENDA ITEM #4**

# CITY OF KINGSVILLE

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P. O. BOX 1458 - KINGSVILLE, TEXAS 78364

Date: June 3, 2022

To: City Commission via City Manager Mark McLaughlin

CC: Courtney Alvarez, City Attorney and Mary Valenzuela, City Secretary

From: Janine Reyes, Director of Tourism Services/Public Information Officer

**Summary:** The City of Kingsville Visitors Center has a lounge space in our lobby with couches for visitors and guests to sit down and browse marketing material. The couches in that space are in dire need of replacement. We are anticipating increased foot traffic in the coming years with recent interest in making commercial use of the property that adjoins ours and we would like our lobby area to serve as a good first impression of our city.

Our current couch set is not a leather material and therefore is not holding up through time. Tourism Staff worked with our purchasing manager to gather a quote on some custom designed leather couches. We also got a quote from a vendor in Dallas who provided the lowest bid for a total of \$9,950 plus freight. This vendor provided the city with a 30% discount on their product.

**Financial Impact:** Total cost is estimated at no more than \$10,800. This total includes the custom-made couches at \$9,950 plus freight not expected to exceed \$850. The funding source for this expense is ARPA funds earmarked for tourism. The City of Kingsville City Commission authorized ARPA funding in the amount of \$173,544 in HOT revenue related losses on January 24, 2022. The remaining balance in ARPA funds after commission-approved expenses is \$128,044.

**Recommendation:** Staff recommends Commission approve the purchase of new leather couches for the Kingsville Visitors Center from the lowest bid vendor, Great Blue Heron.



Tourism current couch set





**Great Blue Heron**  
11119 Shady Hollow Dr.  
Austin, TX 78748  
512-680-6696  
mathew.tammen@gmail.com

**Invoice**

Date	Invoice #
06/03/2022	8824

**Bill To**

1501 North Hwy 77

Kingsville, TX 78363

**Ship To**

City of Kingsville  
1501 North Hwy 77  
Kingsville, TX 78363

**Customer Information**

Name: City of Kingsville	Phone 1: 361-455-5946	Phone 2:
Email: jreyes@cityofkingsville.com	Invoice address: 1501 North Hwy 77 Kingsville, TX 78363	Shipping address: 1501 North Hwy 77 Kingsville, TX 78363

**Order Management**

Sales representative: House	Store: Great Blue Heron, TX	Approximate delivery date:	Status: On Hold
Extended warranty: None, \$0.00	Delivery: Cash & Carry, \$0.00	Order type: Customer	Sale tax: No
External PO number: KINGSVILLE1	Adlis Share PO Number:		

**Order Details**

Code	Style	Item	Leather	Qty	Customization	Unit price	Price
CML003	Camelback	Sofa 3-Seat	Mont Blanc Caribbean	1	Add Insert Cost: Bottom Rail: HOH Light Exotic , Add Insert Cost: Front Posts: HOH Light Exotic , Exchange Nail Heads: No 02 Nails , Add Insert Cost: Middle Insert on Tightback: Misc. Grade 100 Leather . Legs: Anzio Legs,	\$8,100.00	\$8,100.00
Comments: MISC GRADE 100 LEATHER = Hornback Turquoise Brown   As shown "Bayou" on website   due 16 weeks from deposit							
CML002	Camelback	Loveseat	Mont Blanc Caribbean	1	Exchange Nail Heads: No 03 Nails , Add Insert Cost: Bottom Rail: HOH Light Exotic , Add Insert Cost: Front Posts: HOH Light Exotic , Add Insert Cost: Middle Insert on Tightback: Misc. Grade 100 Leather . Legs: Anzio Legs,	\$5,900.00	\$5,900.00
Comments: MISC GRADE 100 LEATHER = Hornback Turquoise Brown   As shown "Bayou" on website   due 16 weeks from deposit							



### Comments

FREIGHT NOT INCLUDED - City of Kingsville to pay freight FOB Lewisville TX. Guaranteed freight rate not to exceed \$850

### Attachments

File name	User	Date
Bayou 3 Cushion Sofa.pdf	mathew.tammen@gmail.com	6/3/2022

Discount	\$4,050.00
Subtotal	\$14,000.00
Subtotal With Discount	\$9,950.00
Sales Tax	\$0.00
Total	\$9,950.00
Total Payment	\$0.00
Total Due	\$9,950.00

### IMPORTANT TERMS AND CONDITIONS OF THIS INVOICE MUST READ

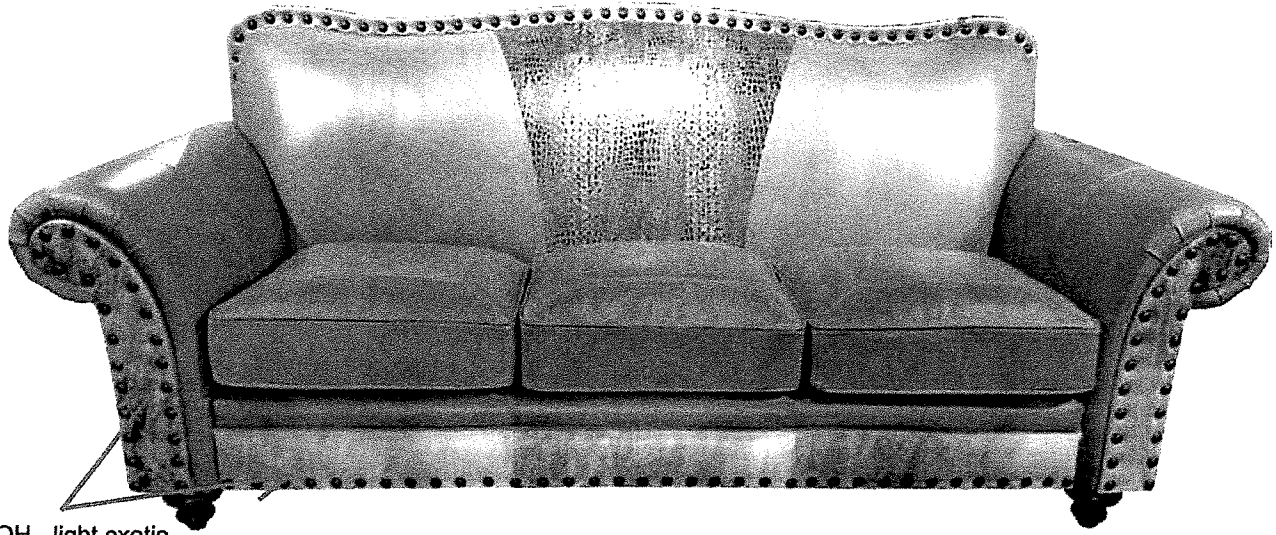
All furniture is custom made; therefore, is non-returnable and non-refundable once an order is placed and production begins. Remitting a payment authorizes Great Blue Heron to begin production. The payment indicates your agreement to pay the remaining balance in full before shipping and to accept delivery. Production times are estimated; however, production times may be delayed due to leather availability, inclement weather, holiday closures or other unforeseen and unavoidable circumstances.

All orders ship Standard LTL Freight service which includes: curbside residential delivery with liftgate and delivery appointment. Curbside means delivery takes place where your driveway meets the street NOT where the driveway ends at the residence. Any exception to this will require a quote for threshold delivery (to the front door) OR white glove delivery - in room placement, and will require additional payment up front before the shipment leaves our factory.

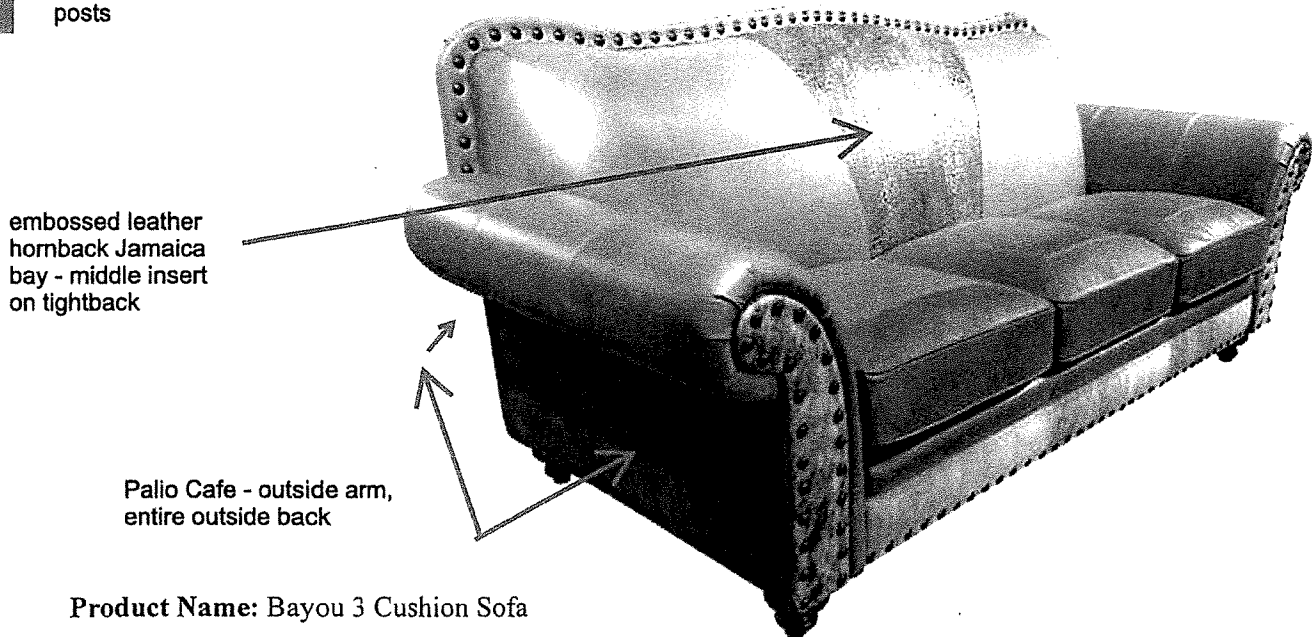
In cases where standard LTL freight is included and customer wants to pay for the upgraded service (threshold or white glove delivery), Great Blue Heron will credit the cost of the standard LTL freight cost, and the customer will be responsible for the difference for the upgraded delivery service.

Final freight billing for orders when shipping is NOT included will be determined at time of shipping, and will need to be remitted to Great Blue Heron Furniture prior to shipping WITHOUT exception.

## BAYOU 3 CUSHION SOFA



HOH - light exotic -  
bottom rail, front  
posts



embossed leather  
hornback Jamaica  
bay - middle insert  
on tightback

Palio Cafe - outside arm,  
entire outside back

**Product Name:** Bayou 3 Cushion Sofa

**SKU:** SO-BAY

**Length/Width:** 94", **Depth:** 40", **Height:** 42", **Seat Height:** 21", **Arm Height:** 30", **Inside Seat Width:** 70",  
**Inside Seat Depth:** 23"

### **Description :**

Great Blue Heron's Bayou sofa is our nod to standout southern style that is unique to the south but is a great conversation piece in any home. Upholstered with our Destiny Turquoise distressed / sanded leather and accented with our Hornback Gator in Turquoise Brown this couch will be the center of any room.

**CUSTOM SIZES AVAILABLE**



4934 Greenwood  
Corpus Christi, TX 78416  
JUAN CANTU

KINGSVILLE VISITOR CENTER  
JANINE REYES

1501 B, HWY 77  
KINGSVILLE TX 78364

Quote #

**Proposal**  
**22-884JC**

Date: 6/2/2022

PH:

**21-23 WEEKS LEAD TIME**

Order Notes:

Please view the last page of  
proposal for ordering information

Item	MFG	Qty	Product	List Price:	Sell Price:	Sell Price:
				Per Unit	Per Unit	Extended
1	CAB	1	<b>*1743</b> CABOT WRENN CUSTOM 1743 CHANCELLOR SOFA W/ TURNED WOOD FEET	\$20,146.50	\$12,087.91	\$12,087.91
				LEATHER : SPIRIT TOFFEE- GRADE CL1 ( OUTBACK ONLY) LEATHER: TIBURON PEACOCK - GRADE CL3 (IN-BACK, IN-ARMSBACK) LEATHER: HAIR-ON STEER - BRINDLE - GRADE C8 (OUT ARMS, SEAT NAIL TRIM: TBD FOOT: SAME AS THE 7131 OR 7150- FINISH TBD		
2	CAB	1	<b>*1743</b> CABOT WRENN CUSTOM 1743 CHANCELLOR LOVESEAT W/ TURNED WOOD FEET SPECIAL SIZE - 66-68"W	\$21,416.50	\$12,849.91	\$12,849.91
				LEATHER : SPIRIT TOFFEE- GRADE CL1 ( OUTBACK ONLY) LEATHER: TIBURON PEACOCK - GRADE CL3 (IN-BACK, IN-ARMS, BACK) LEATHER: HAIR-ON STEER - BRINDLE - GRADE C8 (OUT ARMS, SEAT NAIL TRIM: TBD FOOT: SAME AS THE 7131 OR 7150- FINISH TBD		
3	ZFRT	1	<b>ZFREIGHT</b> CABOT WRENN FREIGHT FEES	\$0.00	\$957.60	\$957.60
4	ZGW	1	<b>ZINSTALL</b> RECEIVE, DELIVER AND INSTALL DURING NORMAL BUSINESS HOURS M-F, 8-5	\$0.00	\$160.00	\$160.00
Subtotal:					\$ 26,055.42	
<b>Total:</b>						<b>\$26,055.42</b>



4934 Greenwood  
Corpus Christi, TX 77416  
JUAN CANTU

KINGSVILLE VISITOR CENTER  
JANINE REYES

1501 B, HWY 77  
KINGSVILLE TX 78364

Quote #

**Proposal**  
**22-884JC**

Date: 6/2/2022

PH:

**21-23 WEEKS LEAD TIME**

Order Notes:

Please view the last page of  
proposal for ordering information

List Price:	Sell Price:	Sell Price:
Per Unit	Per Unit	Extended

**Item MFG Qty Product**

**Special Instructions:**

Gateway is pleased to provide this pricing for your consideration. Proposal valid for 30 days.  
Please view the detailed list of product in this proposal.  
Delivery and Installation during regular business hours, Monday through Friday 8AM to 5PM, unless noted otherwise.

Please note: A deposit is required on all furniture orders prior to order placement  
This proposal contains **Special Order** items that are **Not Returnable**.  
Once an order is placed, cancellations are **Not Allowed**.

In the event that your landlord and or their property management company requires that they be named as additional insured on our General Liability insurance we hereby agree to provide additional insured status for both on going and completed operations.

Your signature below indicates your approval to order the items listed on this proposal.

**Purchase Order:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Print Name:** \_\_\_\_\_



**ORDINANCE NO. 2022-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2021-2022 BUDGET TO EXPEND TOURISM ARP FUNDING FOR OFFICE FURNITURE.**

**WHEREAS**, it was unforeseen when the budget was adopted that there would be a need for funding for these expenditures this fiscal year.

I.

**BE IT ORDAINED** by the City Commission of the City of Kingsville that the Fiscal Year 2021-2022 budget be amended as follows:

CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT #35

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 205 – Tourism ARP Funding</b>					
<u>Expenditures</u>					
1071	Tourism	Minor Equipment	21700	\$10,800	

[To amend the City of Kingsville FY 21-22 Budget to expend Tourism ARP funds for office furniture. This expenditure will come from unappropriated Tourism ARP funding.]

II.

**THAT** all Ordinances or parts of Ordinances in conflict with this Ordinance are repealed to the extent of such conflict only.

III.

**THAT** if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

**THAT** this Ordinance shall not be codified but shall become effective on and after adoption and publication as required by law.

**INTRODUCED** on this the 13th day of June 2022.

**PASSED AND APPROVED** on this the 27th day of June 2022.

**EFFECTIVE DATE:** \_\_\_\_\_

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney

# **REGULAR AGENDA**

# **AGENDA ITEM #5**

# **AGENDA ITEM #6**



## City Manager's Office

---

TO: Mayor and City Commissioners

CC:

FROM: City Manager

DATE: June 8, 2022

SUBJECT: JK Northway Parking Lot Paving Plan

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### Summary:

For over three years there has been discussions with Kleberg County about improving the entire JK Northway Facility. The County took back the JK Northway in 2020 following an amendment to the City/County Interlocal Agreement segregating the JK Northway Coliseum and Fairgrounds from the remainder of the Dick Kleberg Park area.

Part of the discussions turned to the County upgrading the JK Northway facility and adding an Emergency Operations Center. The City is already part of the cash match funding source for the EDA Grant to do this work. In addition, the County asked and the City agreed to perform the paving overlay of the existing parking lots on the west, north and east sides of the building. In the summer of 2021 during budget preparations for the FY 21-22 budget year, the JK Northway parking lots were added to the cumulative list of streets to be repaired for the year. If the County Judge was not ready for the parking lots during the fiscal year, the City would pass over those project areas and proceed to expend the funds on other City streets.

During recent City Commission meetings, there was much discussion on the plan enacted as part of the budget cycle for the current fiscal year including reportioning the funds from the Street Maintenance Fund away from the JK Parking lots and onto other City Streets.

Therefore, this submittal does exactly that. It removes the JK Northway parking lot paving project from the Street Maintenance Fund; however, to keep with the intent and years of dialogue with the County, I am proposing the following alternative solution:

1. Assign the original budgeted amount of \$158,998 to be expensed from Tourism's Fund 002 Fund Balance.
2. Fund 002 has a budgeted end of year balance forecast to be \$418,440.27. The current fund balance in Fund 002 as of June 8, 2022, is \$530,812.12.





### **City Manager's Office**

3. Judge Madrid made known to the City Commission in May 2022 that any overages for paving the parking lots more than \$158,998 would be paid by Kleberg County.
4. Street Maintenance Fund (Fund 092) will not incur the \$158,998 in expenses to the JK Northway, and instead the Street Department will re-apportion that money to street maintenance on the master street maintenance list at the discretion of the City Manager, Public Works Director, City Engineer and the Street Maintenance Supervisor.
5. An agreement will need to be drafted and presented to Kleberg County stipulating the work and potential cost share of the work.

#### **Recommendation:**

- a. Request Commission approval the use of \$158,998 from Fund 002 fund balance for hot mix overlay paving of the JK Northway Parking areas on the west, north and east sides of the facility.
- b. Estimated cost of 1.5" of hot mix overlay plus haul fees for the 22,050 square yards of parking to be \$175,000. There may be additional expense preparing the base material on the east side of the facility. Judge Madrid agreed to pick up all cost overruns above \$158,998.

**Total Cost from Tourism Fund 002: \$158,998; and a like re-apportionment of the same amount in the Street Maintenance Fund (Fund 092) to be used for additional street paving projects.**



**ORDINANCE NO. 2022-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2021-2022 BUDGET TO APPROPRIATE FUNDING FOR THE PARKING LOT PREPARATION AND HOT MIX OVERLAY OF THE WEST, EAST AND NORTH PARKING AREAS AT THE JK NORTHWAY.**

**WHEREAS**, it was unforeseen when the budget was adopted that there would be a need for funding for these expenditures this fiscal year.

I.

**BE IT ORDAINED** by the City Commission of the City of Kingsville that the Fiscal Year 2021-2022 budget be amended as follows:

CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT #38

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 002 - Tourism</b>					
<u>Expenditures</u>					
1071	Tourism	Grounds & Perm Fixtures	59100	\$158,998	

[To amend the City of Kingsville FY 21-22 Budget to appropriate funding for the parking lot preparation and hot mix overlay of the west, east and north parking areas at the JK Northway. This funding will come from the unappropriated fund balance of the Tourism Fund.]

II.

**THAT** all Ordinances or parts of Ordinances in conflict with this Ordinance are repealed to the extent of such conflict only.

III.

**THAT** if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.



IV.

**THAT** this Ordinance shall not be codified but shall become effective on and after adoption and publication as required by law.

**INTRODUCED** on this the 13th day of June 2022.

**PASSED AND APPROVED** on this the 27th day of June 2022.

**EFFECTIVE DATE:**\_\_\_\_\_

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney

# **AGENDA ITEM #7**



## City Manager's Office

TO: Mayor and City Commissioners

CC:

FROM: City Manager

DATE: June 8, 2022

SUBJECT: Dick Kleberg Park Baseball Field Parking Paving Plan

### Summary:

In May 2022, City Commission approved the expenditure of \$150,000 into testing of existing parking area and construction buildout of parking areas around the baseball field complex in Dick Kleberg Park.

In June, a visual inspection all parking areas around the baseball complex revealed that the current condition of the asphalt parking areas are to far into a state of disrepair, and the only option is to perform full depth construction replacement.

The plan proposed consists of full depth construction of three separate areas. FDC involves removal of 8" of existing dilapidated asphalt and base/dirt material below. The void will be replaced with 6" of packed limestone base, an emulsion for setting the chip seal, a chip seal layer to provide grip for the hot mix, and a 2.5" of hot mix overlay compacted to 2". Total cost for this procedure in material alone is approximately \$20/square yard.

Three identified parking area include:

1. Large rectangular lot that will begin at the northern edge of recently completed sidewalks in the complex, north to the nearest drive off of the Park Road. This lot is approximately 2,200 square yards.
2. Second lot is the pump lot. Named due to the existence of an abandoned water well/pump area with pipes that still exist above ground. These works will require demolition in order to prepare an approximately 2,100 square yard parking area.
3. The third lot is triangular in shape is on the west side of the junction of the Park Road and the BBQ Loop Road. This piece of land presents challenges and could be approximately 2,800 square yards; however, it will most likely be smaller due to drainage areas and distances between the ball field and the BBQ Loop road make parking challenging.





### **City Manager's Office**

4. The final piece is the entrance to the first two parking areas off the Park Road. This area is approximately 560 square yards.

Total square yards of all three areas should not exceed 7,660 square yards; yet again, some of this area will most likely not be paved due to physical constraints. At approximately \$20/square yard for full depth construction, all 7,760 square yard would cost \$153,200.

#### **Recommendation:**

- a. Request Commission approval the use of ARPA funds in the amount of \$150,000 from the General Fund ARPA State & Local Recovery Fund (Fund 121), and expensed in Parks-Grounds and Permanent Fixtures.

As a side note, the Street Department will perform the work on the parking lots; however, phasing of construction will follow street construction of high priority streets with new curb and gutters, and after the JK Northway hot mix project.

**A map of the projected parking lots will be provided during the Commission Meeting.**



**ORDINANCE NO. 2022-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2021-2022 BUDGET TO APPROPRIATE FUNDING FOR THE PARKING LOT STUDY AND PHASE 1 BUILDOUT OF PARKING AREAS AROUND THE BASEBALL FIELDS AT DICK KLEBERG PARK.**

**WHEREAS**, it was unforeseen when the budget was adopted that there would be a need for funding for these expenditures this fiscal year.

I.

**BE IT ORDAINED** by the City Commission of the City of Kingsville that the Fiscal Year 2021-2022 budget be amended as follows:

CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT #37

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 121 – General Fund ARP Funding</b>					
<u>Expenditures</u>					
4503	Parks	Grounds & Perm Fixtures	59100	\$150,000	

[To amend the City of Kingsville FY 21-22 Budget to appropriate funding for the parking lot study and phase 1 buildout of parking areas around the baseball fields at Dick Kleberg Park. This funding will come from the unappropriated fund balance of the GF ARP Funding.]

II.

**THAT** all Ordinances or parts of Ordinances in conflict with this Ordinance are repealed to the extent of such conflict only.

III.

**THAT** if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

**THAT** this Ordinance shall not be codified but shall become effective on and after adoption and publication as required by law.

**INTRODUCED** on this the 13th day of June 2022.

**PASSED AND APPROVED** on this the 27th day of June 2022.

**EFFECTIVE DATE:** \_\_\_\_\_

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney

# **AGENDA ITEM #8**

**City of Kingsville  
Engineering Dept.**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Rutilio P. Mora Jr, P.E., City Engineer

DATE: June 27, 2022

SUBJECT: Consider and act upon amending an ordinance to include No Parking Zone for the 1000, 1100 and 1200 BLK of E. Ailsie Ave. and 1200, 1300 and 1400 BLK of Kenedy Ave.

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**Summary:**

City of Kingsville Engineering Department received a resolution from the Kingsville ISD Board of Trustees requesting No Parking Zones in Relation to Student Safety. The request is because the "No Parking Signs" would be in located inside of the city's right of way. The agenda item is proposing two new No Parking Zones for Jesus R. Perez Elementary and A. D. Harvey Elementary Schools. At Perez Elementary the No Parking Zones would impact the 1000, 1100 and 1200 Block of E. Ailsie Avenue (between 14<sup>th</sup> Street and Shelly Boulevard) on both north and south sides. At Harvey Elementary the No Parking Zone would impact the 1200, 1300, and 1400 Block of E. Kenedy Ave (between 17<sup>th</sup> Street and 18<sup>th</sup> Street). The proposed no parking signs would be in affect during school pick-up from 6:45 am – 8:00 and school drop-off from 2:30 pm – 4:00 pm.

Letters were sent to the adjoining property owners that would be affected along E. Kenedy Avenue and E. Ailsie Ave. A total of 36 property owners were notified by certified mail for both proposed no parking zone locations. Engineering Department received six (6) response from adjoining property owners along E. Kenedy Ave. Five (5) property owners were "FOR" and one (1) was "AGAINST" the no parking zone. We received seven (7) responses from adjoining property owners along E. Ailsie Ave and all were "FOR" the no parking zone.

Photos were taken at both campuses indicating the traffic congestion and confirming the parking concern. We also noted that Harvey Elementary parents were using E. Lott Avenue between S. 17<sup>th</sup> Street and S. 19<sup>th</sup> Street as a pick-up and drop-off area for their children.





**City of Kingsville  
Engineering Dept.**

I recommend the city purchase and install the signs and request a reimbursement from KISD since the signs become an asset to city based on a request from school district.

**Background:**

The City has several No Parking Zones throughout. The No Parking Zones are in place for the safety of the citizens and motorist, by providing no parking on streets you increase visibility and safety.

**Financial Impact:**

No financial impact aside from installing the signs.

**Recommendation:**

Staff recommends approval of No Parking Zones for Jesus R. Perez and A.D. Harvey Elementaries.

**Attachments:**

Ordinance No. 2022-\_\_\_\_\_

Proposed No Parking Zones – Exhibit

Photos of Traffic Congestion on Kenedy and Ailsie during pick-up/drop-off

Letter to property owners

List of property owners affected by proposed No Parking Zones

Exhibit of property owners affected by proposed No Parking Zones

KISD Board of Trustees – Resolution request for No Parking Zones in relation to Student Safety



**Resolution of the Board of Trustees**

**Regarding No Parking Zones in Relation to Student Safety**

WHEREAS, the safety of Kingsville Independent School District students and staff is of paramount priority;


WHEREAS, the Board of Trustees recognizes and acknowledges that parking in front of Perez and Harvey Elementary schools during pick-up and drop-off times creates a hazardous environment for pedestrians and traffic;

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of Kingsville Independent School District authorizes this Resolution formally requesting the City of Kingsville to designate no-parking zones in front of Perez and Harvey Elementary Schools on school days between 6:45-8:00 AM and 2:30-4:00 PM. The proposed Perez Elementary no-parking zones are located on both sides of Ailsie Avenue from Brahma Blvd to Shelly Street. The proposed Harvey no-parking zones are located on both sides of Kenedy Avenue from 17<sup>th</sup> Street to 19<sup>th</sup> Street.

Adopted this 19<sup>th</sup> day of April 2022, by the Board of Trustees.



Board President



Board Secretary

## Perez Elementary School- No Parking Zones

## Property

### Owners Contacted/ Responses

Name	Address	Response
First Capital Bank/ Prosperity Bank	1830 S Brahma Blvd	FOR
Coastal Bend College	1814 Brahma Blvd	FOR
Roldan Hinojosa	1030 E Ailsie	FOR
Ruben Soliz Jr	1830 Annette	FOR
Oralia Garcia	1110 Ailsie	FOR
Jesus Jaime	1116 Ailsie	
Vimal Kumar	1122 Ailsie	
James Colley	1202 Ailsie	
Maria Haase	1210 Ailsie	Return to Sender
Beatriz Ortiz	1829 Jerome	
First Christian Church	Ailsie & 14th	FOR

## Harvey Elementary School- No Parking Zones Property Owners Contacted/ Responses

Name	Address	Response
Argelio Alanis	216 S 16th St	
Dennis Griggs	1208 E Kenedy	
Julia Connor	1218 E Kenedy	Return to Sender
Esmeralda Canales Cantu	1222 E Kenedy	
Amelia Orta	1224 E Kenedy	
Ana Maria Aguilar	1226 E Kenedy	
Maria Espinoza	1234 E Kenedy	FOR
Boy's and Girl's Club	1238 E Kenedy	FOR
Central Latin Amer Dis Church	1266 E Kenedy	Return to Sender
Ismael Aldope	1268 1/2 E Kenedy	
Luciano Bazan	1304 E Kenedy	
Jorge Ibanez	1304 1/2 E Kenedy	
Dalia Salazar	1314 E Kenedy	
Natalio Chavez	1318 E Kenedy	
Jose Atanacio Bochas	1330 E Kenedy	Return to Sender
Olga Lopez/ Clarissa Mendez	1402 E Kenedy	Return to Sender
Elisa Diaz/ Debra Pickett	1406 E Kenedy	FOR
Orlando Torres	1416 E Kenedy	FOR
Ezequiel Rodriguez	1418 E Kenedy	AGAINST
Iomelia Tijerina	1420 E Kenedy	
Bethel Temple Assembly of God	1700 Blk E King	
Kleberg County	1519 E Kenedy	FOR
Emma Gutierrez	1201 1/2 E Kenedy	Return to Sender
Ismael Aldope	1205 E Kenedy	Return to Sender
Cornelio Covarrubias	1219 E Kenedy	Return to Sender

# CITY OF KINGSVILLE



P.O. BOX 1458 - KINGSVILLE, TEXAS 78364

May 5, 2022

Kleberg County c/o 1519 E Kenedy  
P.O. Box 72  
Kingsville, Texas 78363

Re: City of Kingsville – No Parking Zones in relation to Student Safety

To Whom It May Concern,

The City of Kingsville received a request from the Kingsville Independent School District to create a “No Parking Zone” along both sides of Kenedy Avenue from 17th Street to 19<sup>th</sup> St. This request is to discourage parking and reduce traffic congestion along Kenedy Avenue during school day pick-up and drop-off times for A.D. Harvey Elementary. School pick-up times are from 6:45AM to 8:00AM and drop-off times from 2:30PM to 4:00PM. Attached is a map of the proposed No Parking Zone and sign locations.

We are contacting you as an adjoining property owner and would like to know if you ‘AGREE’ or ‘DISAGREE’ to the proposed No Parking zones in the designated areas.

We appreciate any information, comments or feedback you can give.

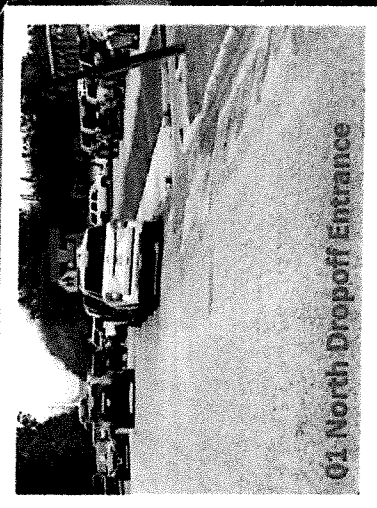
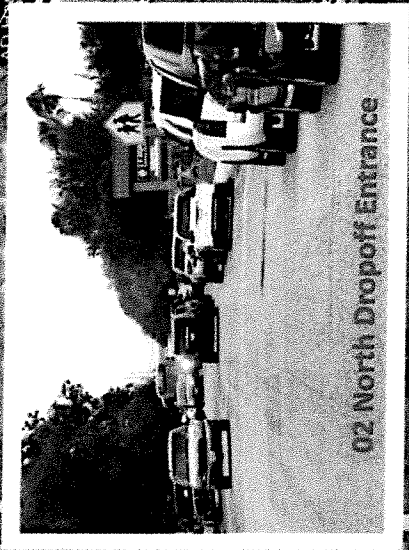
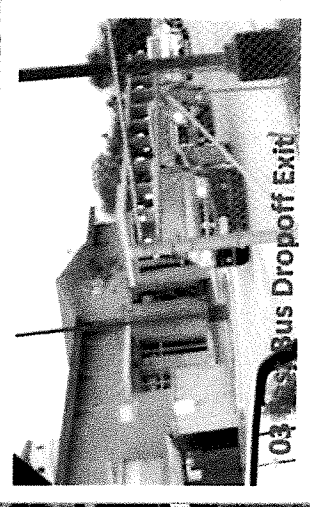
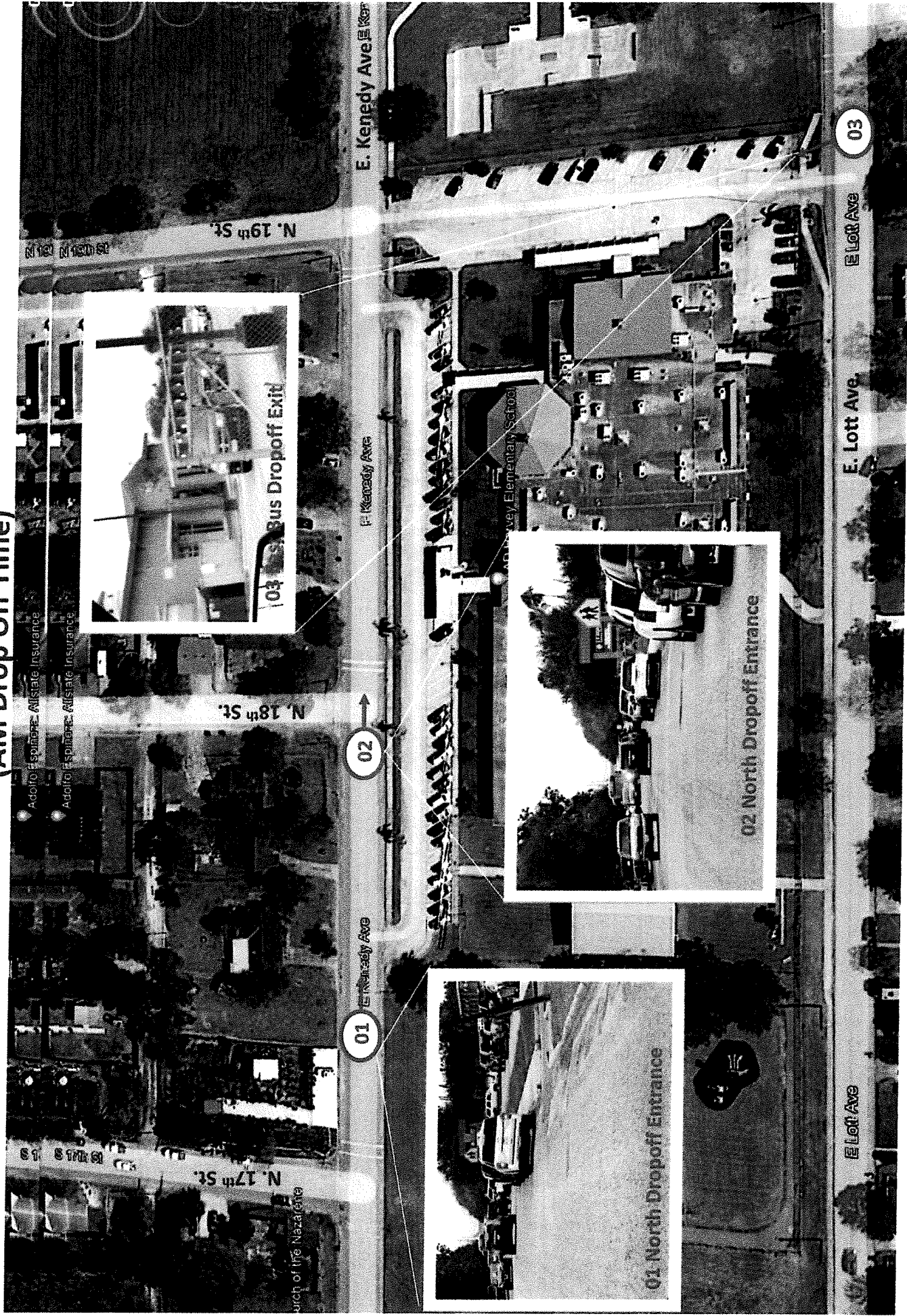
Feel free to call me at 361-595-8007 or email me a [rmora@cityofkingsville.com](mailto:rmora@cityofkingsville.com). Please respond by 5:00pm May 20, 2022.

Respectfully,

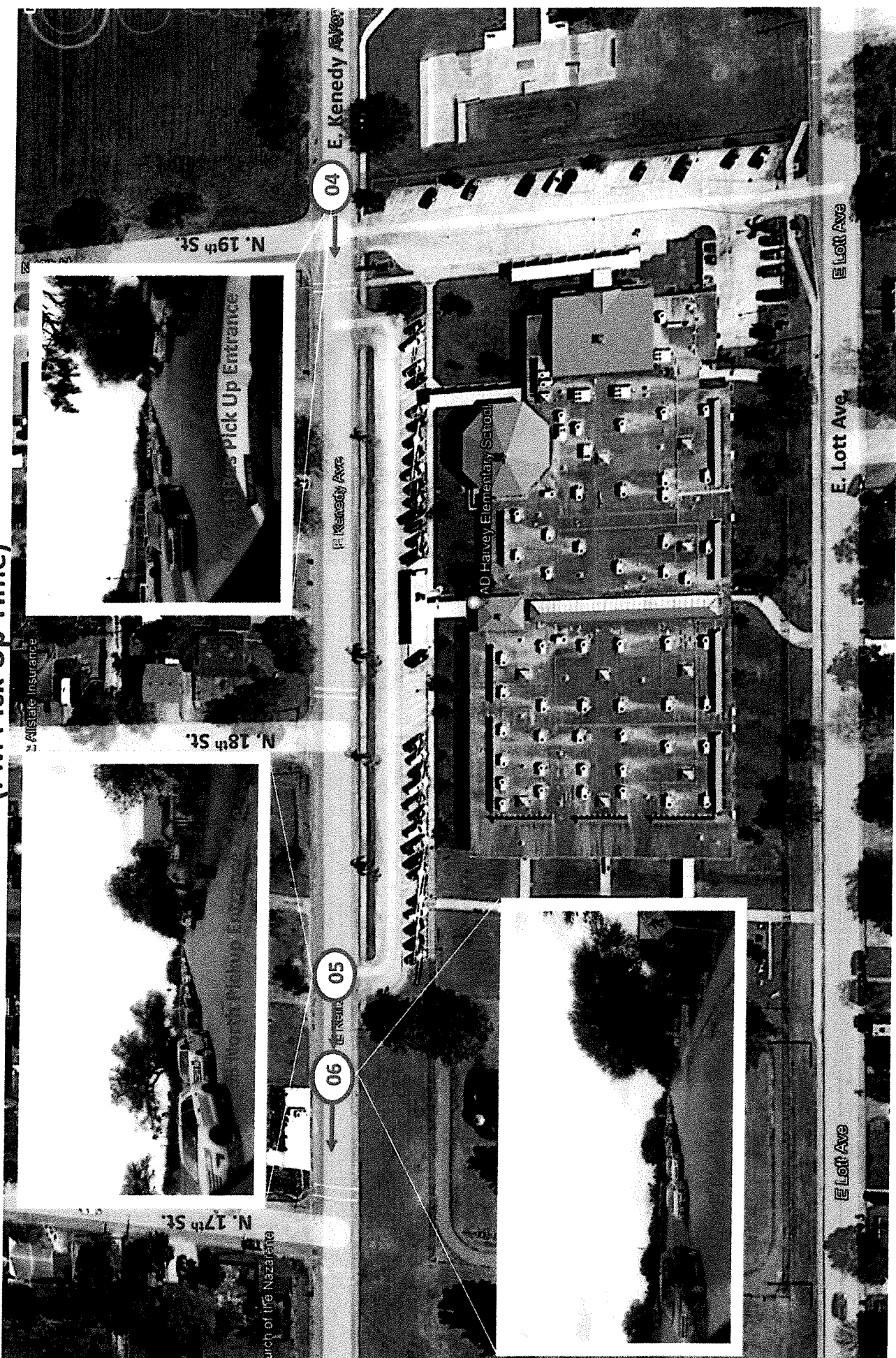
Rutilio P. Mora Jr., P.E.  
City Engineer

Enclosure: Proposed No Parking Zones and Signs

# AD Harvey Elementary School (AM Drop Off Time)

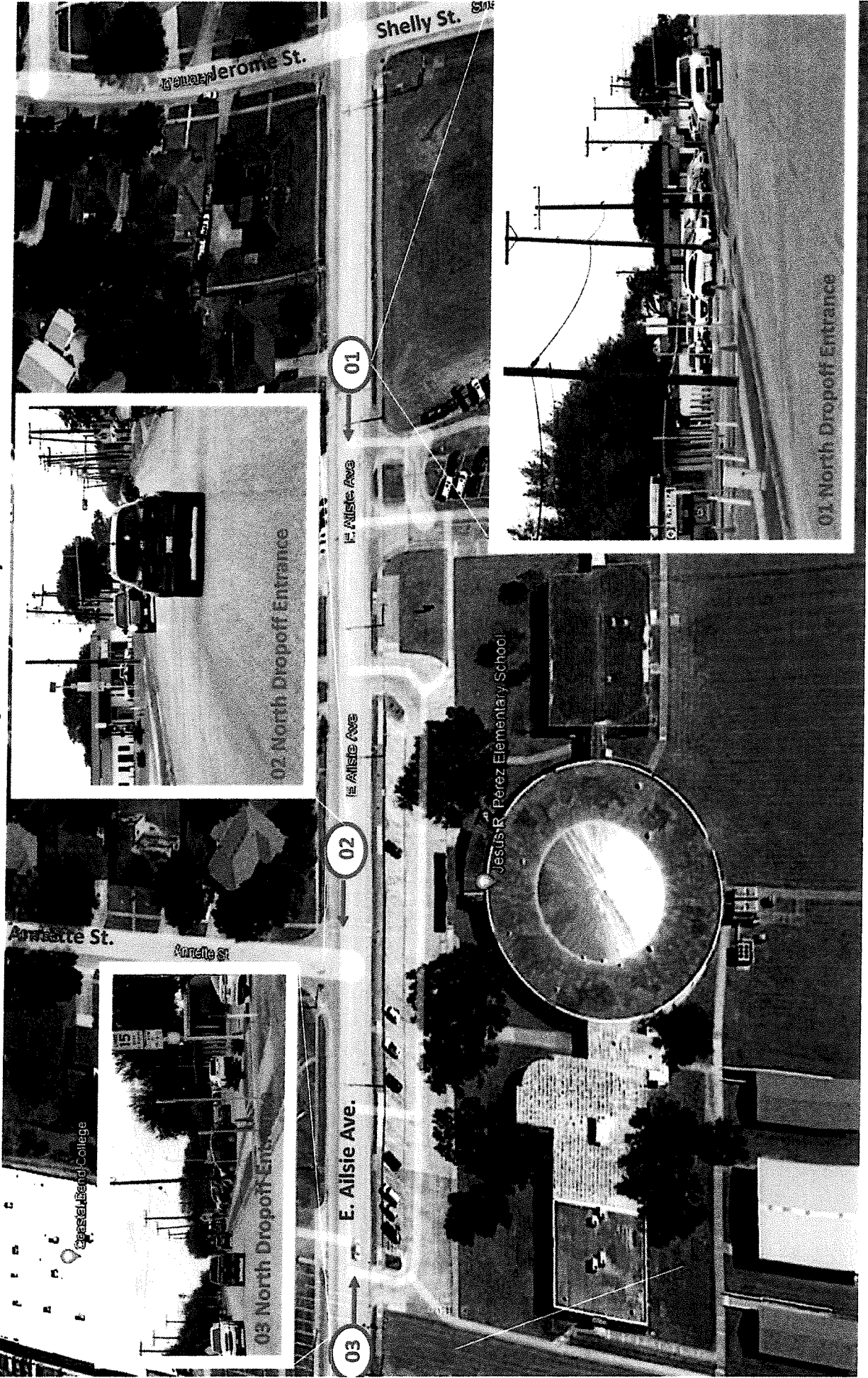


# AD Harvey Elementary School (PM Pick Up Time)



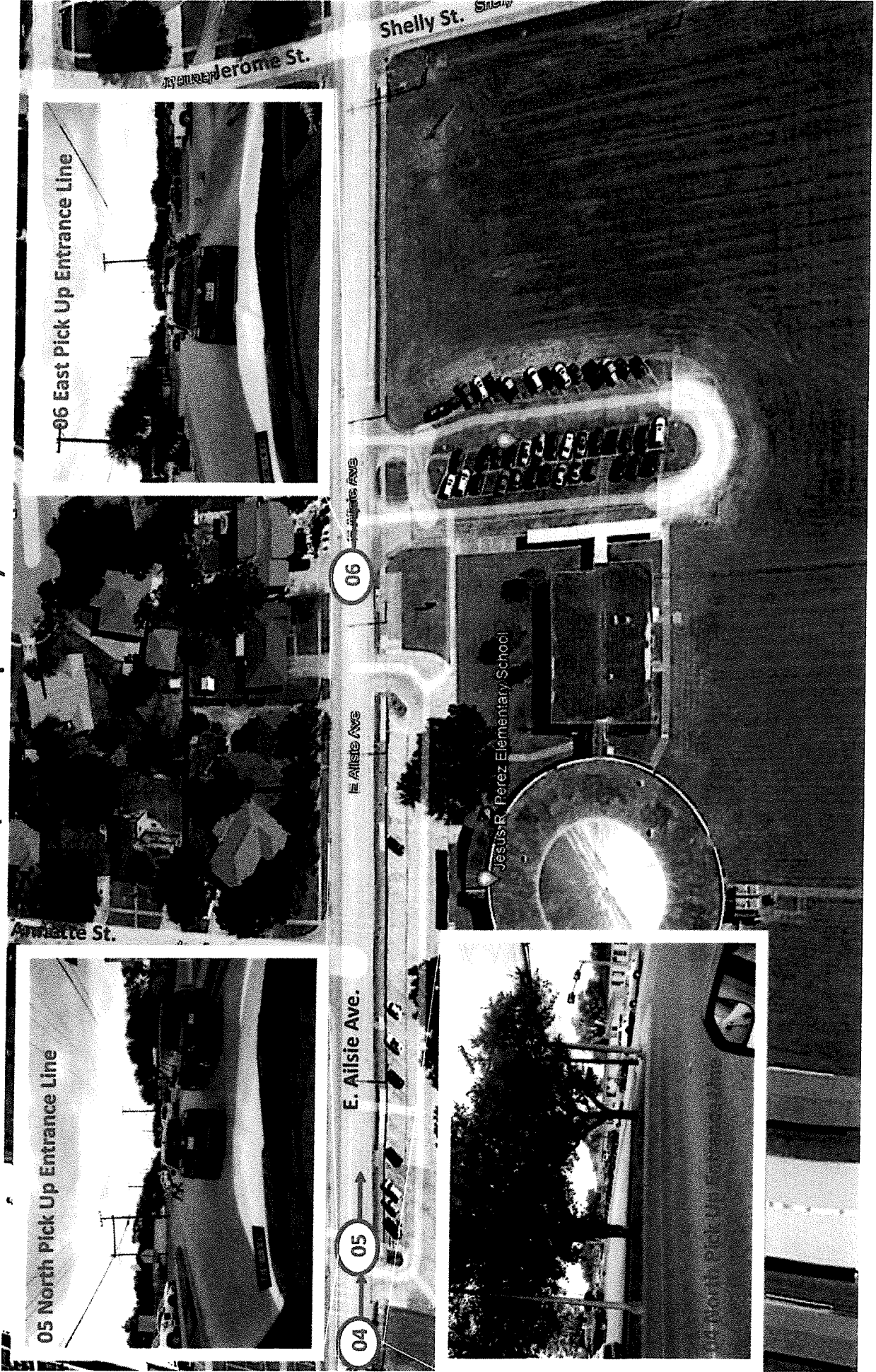


# JR Perez Elementary School (AM Drop Off Time)





# JR Perez Elementary School (PM Pick Up Time)





Drawn by:	
Date:	
Checked by: R. MORA	
Job:	
Scale: N.T.S.	

# CITY OF KINGSVILLE

## "NO PARKING" ON PEREZ ELEM

SHEET  
1



B "NO PARKING" ON PEREZ ELEM  
1 N.T.S.

### LEGEND

- NO REPLY
- AGAINST THE "NO PARKING" SIGNS
- FOR THE "NO PARKING" SIGNS



# CITY OF KINGSVILLE

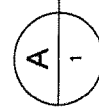
## "NO PARKING" ON HARVEY ELEM

SHEET  
1



### LEGEND

- NO REPLY
- AGAINST THE "NO PARKING" SIGNS
- FOR THE "NO PARKING" SIGNS



"NO PARKING" ON HARVEY ELEM  
N.T.S.

**ORDINANCE NO. 2022-\_\_\_\_\_**

**AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER VII, ARTICLE 6, TRAFFIC CONTROL DEVICES; PROVIDING FOR THE RESTRICTION OF PARKING DURING CERTAIN HOURS ON BOTH SIDES OF EAST AILSIE AVE. FROM 14<sup>TH</sup> STREET TO SHELLY BLVD. AND ON BOTH SIDES OF EAST KENEDY AVENUE FROM 17<sup>TH</sup> TO 18<sup>TH</sup> STREETS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.**

**WHEREAS**, the Kingsville Independent School District Board of Trustees has requested two no parking zones during certain hours around Perez Elementary School and A.D. Harvey Elementary School due to concerns over traffic congestion and safety during drop-off and pick-up times;

**WHEREAS**, the City has notified property owners in the two proposed no parking zone areas and has received 13 responses with 12 for and only 1 against the proposed zones;

**WHEREAS**, this Ordinance is necessary to protect the public safety, health, and welfare of the City of Kingsville.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS:**

I.

**THAT** Schedule II of Article 6: Parking Schedules of Chapter VII, Traffic Code, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

**Sec. 7-6-2. Schedule II, Parking Restricted on Certain Streets.**

**SCHEDULE II. PARKING RESTRICTED ON CERTAIN STREETS.**

It shall hereafter be unlawful for any person to park or leave standing any vehicle on the following streets:

**TABLE INSET:**

Street	Location	Side	Time Limit	Ord. No.	Date Passed
...	...	...	...	...	...
Mesquite Ave.	Lying anywhere between its intersection with Armstrong St. and its intersection with Wells Ave.	Both	7:00 a.m. to 5:00 p.m., Monday-	2011-	--



			Friday		
<u>East Ailsie Ave.</u>	<u>Lying anywhere between its intersection with 14<sup>th</sup> Street and Shelly Blvd.</u>	<u>Both</u>	<u>6:45am-8am and 2:30pm-4:00pm Monday-Friday</u>	<u>2022-__</u>	
<u>East Kenedy Ave.</u>	<u>Lying anywhere between its intersection with 17<sup>th</sup> and 18<sup>th</sup> Streets</u>	<u>Both</u>	<u>6:45am-8am and 2:30pm-4:00pm Monday-Friday</u>	<u>2022-__</u>	

II.

**THAT** all Ordinances or parts of Ordinances in conflict with this Ordinance are repealed to the extent of such conflict only.

III.

**THAT** if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

**THAT** this Ordinance shall be codified and become effective on and after adoption and publication as required by law.

**INTRODUCED** on this the 27<sup>th</sup> day of June, 2022.

**PASSED AND APPROVED** on this the 11<sup>th</sup> day of July, 2022.

Effective Date: \_\_\_\_\_

\_\_\_\_\_  
Sam Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney

## **AGENDA ITEM #9**

**City of Kingsville  
Engineering Dept.**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Rutilio P. Mora Jr, P.E., City Engineer

DATE: June 27, 2022

SUBJECT: Consider introduction of an ordinance amending the Fiscal Year 2021-2022 budget to Storm Water Manhole Rehabilitation costs.

---

**Summary:**

The purpose of the budget amendment is to rehabilitate eight (8) existing brick manholes with an interior geopolymer liner and construct sloped benches and inverts. The manholes are located on Armstrong Street between W. Kenedy Ave. and W. Santa Gertrudis Ave. This rehabilitation will prevent deterioration of the existing manholes and allow for proper storm water drainage through the existing conveying system.

**Financial Impact:**

Fund 068 will be used to pay for the construction costs of \$59,845.00.

**Recommendation:**

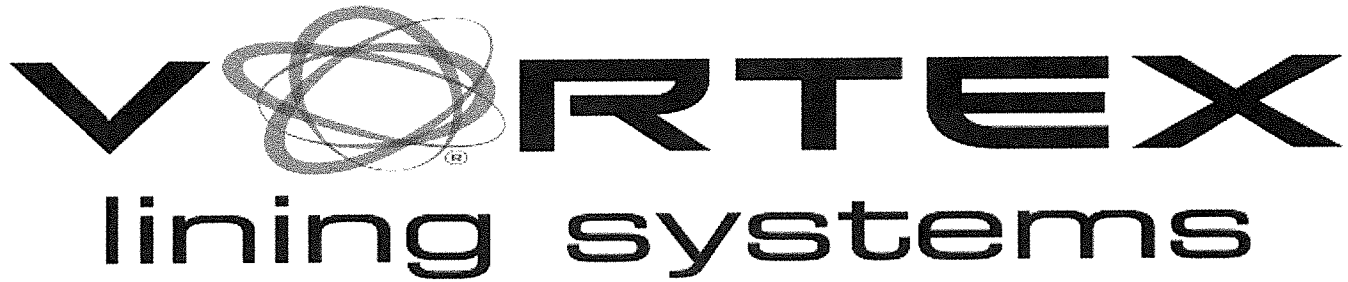
Staff recommends approval of the Budget Amendment.

**Attachments:**

Ordinance No. 2022-\_\_\_\_\_  
Budget Amendment  
Proposal – Vortex Companies







# VORTEX

## lining systems

<b>To:</b>	City Of Kingsville	<b>Contact:</b>	Bill Donnell
<b>Address:</b>	PO Box 1458	<b>Phone:</b>	361-455-4488
		<b>Email:</b>	wdonnell@cityofkingsville.com
<b>Project Name:</b>	TX - Kingsville - 42" & 36" RV4 - MH Rehab	<b>Bid Number:</b>	206028-01
<b>Project Location:</b>		<b>Bid Date:</b>	4/7/2022

BuyBoard Contract 635-21

Item #	Item Description	Estimated Quantity	Unit	Unit Price	Total Price
I.19D.010	Travel And Mobilization- TML Region 11 (Coastal Bend - Corpus Christi)	1.00	EACH	\$8,970.00	\$8,970.00
I.3.010	Manhole Rehabilitation (Standard 4-ft Diameter) - 1-inch Geopolymer Liner	68.00	VF	\$400.00	\$27,200.00
II.22.016	Rebuild Bench And Invert (not To Exceed 8)	8.00	EACH	\$1,000.00	\$8,000.00
III.39.037	INFILTRATION CONTROL- CHEMICAL GROUT (not To Exceed 16.5 Cartridges, Roughly 1 Per Each MH)	16.50	EACH	\$350.00	\$5,775.00
I.19C.011	Barricades, Signs, And Traffic Handling (per Setup) *will Bill As Needed	6.00	EACH	\$1,650.00	\$9,900.00

**Total Bid Price: \$59,845.00**

#### Notes:

- Does not include any Traffic Control drawings or permits.
- Owner / Contractor will provide a portable hydrant meter for our use free of charge.
- Owner / Contractor will provide a local area and pay disposal fees to dispose the debris that is pulled from the Manholes during the prep process. Disposal site must be less than 10 miles away from job site.
- Owner / Contractor will provide access to each and every manhole and or structure. This may include but not limited locating, exposing, and raising buried MH's prior to our crew mobilizing.
- If necessary, Owner / Contractor will provide Permits & Fees. Vortex will provide our standard insurance coverage. OCP or railroad insurance & or longshoreman insurance is not included.
- If bond is needed please add 1.5%.
- Our Bid Proposal is valid for 60 days from the bid date.
- This is a unit priced contract and the actual billing will be based on installed quantities. If the installed quantities vary greater than 10% of the bid quantities, Vortex reserves the right to adjust our unit price accordingly.
- Our bid proposal as submitted reflects the current material pricing established on or before the bid date listed within our proposal. In the event of unforeseen price increases of our raw materials, Vortex reserves the right to adjust our unit rate or overall bid proposal accordingly to account for such price increases.
- Payment terms: Net 30 days. Interest will be added to balances outstanding after 30 days
- The contract price is exclusive of applicable state and local sales taxes.
- Vortex's bid proposal shall be incorporated into the subcontract agreements. Vortex will initiate this project upon an agreement or receipt of a subcontract or purchase order. Copies of payment and performance bonds must be provided to Vortex.
- Scope of work performed by VLS:**
  - Provide pre-work submittal
  - Manufacturer Calculation for Fully Deteriorated Pipe Conditions
  - Mobilize equipment and personnel necessary to complete rehabilitation
  - Compressive Material testing
  - Surface Preparation of pipe to receive geopolymer lining
  - Spray application of specified structural GeoKrete liner
- Proposal does NOT include following:**
  - Cold weather provisions - required when operating in temperatures 40 degrees F or below (no estimated field execution date provided)
  - Prevailing Wage or Union Rates
- VLS advises a minimum 30 day cure time of liner prior to any overhead or lateral construction (i.e. excessive vibrations, pile driving, etc.).

- **General Notes & Conditions:**

- Non-weather related delays (may include, but NOT limited to: Owner requested changes; Road closures due to community, city or private events; Any delays or work stoppages outside the control of VLS) will result in additional fees of \$375/hr for the entire crew.
- Customer/Contractor to provide access for equipment within 50ft of pipe. Site access to be determined by physical inspection
- Customer/Contractor to provide potable water supply (i.e. hydrant & meter in place)
- Pricing based on one (1) shift (10-12 hours/day; 6 days/week) and does not include working holidays and/or Sundays.
- Quantities and pipe segments relative to depth, condition and degree of ovality are subject to field verification.
- Heavy infiltration means infiltration that meets the definition of a "runner" or "gusher", as defined by NASSCO's Pipeline Assessment Certification Program. Runner - water running into the sewer through a faulty joint or pipe wall. A continuous flow will be visible. Gusher - water entering the pipe "under pressure" through a defect or faulty joint.
- Infiltration Control up to 16.5 cartridges are included in our bid proposal. If necessary, each additional cartridge will be billed at the above unit rate.
- For any debris collected from the Manhole (MH) rehab process, if needed Owner will provide a Vac Truck to remove debris collected and dispose the debris that is pulled from the cleaning process.
- Our mobilization unit price includes timing this project up with another local project in order to create a full weeks schedule. If the Owner / Contractor is not flexible in with the install schedule and needs us to mobilize sooner, Vortex reserves the right to adjust our mobilization unit rate accordingly.
- One mobilization included. Each additional mobilization will be charged separately.
- Proposal does not include any manhole ring and cover adjustments or raising / lowering. Proposal does not include installing of any inflow dish and chimney seals.
- Our manhole rehab is figured utilizing flow through plugs. Any dewatering and or bypass pumping will be provided by Owner (if necessary). Please note, in order to install our plugs and divert the flow on force mains we assume the incoming lines are protruding at least 3" into the manhole which will allow us to attach Fernco type coupling systems. If additional bypass, dewatering, or flow control is needed it will be provided by Others.
- Heavy Cleaning and or removal of any existing coating or liner is not included in bid proposal.
- Vacuum, hydrostatic, holiday/spark testing are not included in this bid proposal.

**ACCEPTED:**

The above prices, specifications and conditions are satisfactory and are hereby accepted.

**Buyer:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Date of Acceptance:** \_\_\_\_\_

**CONFIRMED:**

**Vortex Lining Systems**

**Authorized Signature:** \_\_\_\_\_

**Estimator:** Nate Kennedy

(832) 392-1816 nkennedy@vortexcompanies.com

**ORDINANCE NO. 2022-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2021-2022 BUDGET TO PROVIDE FUNDING FOR STORM WATER MANHOLE REHABILITATION.**

**WHEREAS**, it was unforeseen when the budget was adopted that there would be a need for funding for these expenditures this fiscal year.

I.

**BE IT ORDAINED** by the City Commission of the City of Kingsville that the Fiscal Year 2021-2022 budget be amended as follows:

CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT #49

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 068 - Drainage</b>					
<u>Expenditures</u>					
3050	Street	Drainage	53100	\$59,845	

[To amend the City of Kingsville FY 21-22 Budget to provide funding for the Storm Water Manhole Rehabilitation. This expenditure will be funded by the unappropriated fund balance of the Drainage 068.]

II.

**THAT** all Ordinances or parts of Ordinances in conflict with this Ordinance are repealed to the extent of such conflict only.

III.

**THAT** if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

**THAT** this Ordinance shall not be codified but shall become effective on and after adoption and publication as required by law.

**INTRODUCED** on this the 27th day of June 2022.

**PASSED AND APPROVED** on this the 11th day of July 2022.

**EFFECTIVE DATE:**\_\_\_\_\_

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney

# **AGENDA ITEM #10**

**City of Kingsville  
Engineering Dept.**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Rutilio P. Mora Jr, P.E., City Engineer

DATE: July 11, 2022

SUBJECT: Consider approving Proposal from Vortex Companies through BuyBoard for Storm Water Manhole Rehabilitation on Armstrong Street.

---

**Summary:**

During the reconstruction of Armstrong Street between W. Kenedy Ave and W. Santa Gertrudis Ave. Engineering Department inspected the existing storm water system and associated manholes. The eight (8) existing manholes were observed to be constructed of brick and mortar. It was noted that the bottom of the manholes contained debris and bricks from the manhole wall structure and sloped benches were not constructed. These manholes without sloped benches allow the water to circulate within the manhole bottom and collect debris and become an obstruction for storm water to flow through the system properly. It is recommended to rehabilitate the existing manholes and protect the existing structure and install sloped benches for proper drainage.

**Background:**

Staff has located a vendor on BuyBoard called Vortex Companies who could do the manhole rehabilitation project. BuyBoard has been used by the city several times to increase purchasing power, lower administrative costs, and streamline the procurement process. It complies with state purchasing law. The vendor has provided a quote for the proposed scope of work which is attached to this memo.

**Financial Impact:**

The project is estimated to cost \$59,845.00 and would be funded by Fund 068.

**Recommendation:**

Staff recommends approving the proposal from Vortex Companies for storm water manhole rehabilitation.

**Attachments:**

Proposal - Vortex Companies Proposal





# VORTEX

## lining systems

<b>To:</b>	City Of Kingsville	<b>Contact:</b>	Bill Donnell
<b>Address:</b>	PO Box 1458	<b>Phone:</b>	361-455-4488
		<b>Email:</b>	wdonnell@cityofkingsville.com
<b>Project Name:</b>	TX - Kingsville - 42" & 36" RV4 - MH Rehab	<b>Bid Number:</b>	206028-01
<b>Project Location:</b>		<b>Bid Date:</b>	4/7/2022

BuyBoard Contract 635-21

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**Total Bid Price: \$59,845.00**

#### Notes:

- Does not include any Traffic Control drawings or permits.
- Owner / Contractor will provide a portable hydrant meter for our use free of charge.
- Owner / Contractor will provide a local area and pay disposal fees to dispose the debris that is pulled from the Manholes during the prep process. Disposal site must be less than 10 miles away from job site.
- Owner / Contractor will provide access to each and every manhole and or structure. This may include but not limited locating, exposing, and raising buried MH's prior to our crew mobilizing.
- If necessary, Owner / Contractor will provide Permits & Fees. Vortex will provide our standard insurance coverage. OCP or railroad insurance & or longshoreman insurance is not included.
- If bond is needed please add 1.5%.
- Our Bid Proposal is valid for 60 days from the bid date.
- This is a unit priced contract and the actual billing will be based on installed quantities. If the installed quantities vary greater than 10% of the bid quantities, Vortex reserves the right to adjust our unit price accordingly.
- Our bid proposal as submitted reflects the current material pricing established on or before the bid date listed within our proposal. In the event of unforeseen price increases of our raw materials, Vortex reserves the right to adjust our unit rate or overall bid proposal accordingly to account for such price increases.
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- **Scope of work performed by VLS:**
  - Provide pre-work submittal
  - Manufacturer Calculation for Fully Deteriorated Pipe Conditions
  - Mobilize equipment and personnel necessary to complete rehabilitation
  - Compressive Material testing
  - Surface Preparation of pipe to receive geopolymer lining
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- **Proposal does NOT include following:**
  - Cold weather provisions - required when operating in temperatures 40 degrees F or below (no estimated field execution date provided)
  - Prevailing Wage or Union Rates
- VLS advises a minimum 30 day cure time of liner prior to any overhead or lateral construction (i.e. excessive vibrations, pile driving, etc.).

• • **General Notes & Conditions:**

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- Our manhole rehab is figured utilizing flow through plugs. Any dewatering and or bypass pumping will be provided by Owner (if necessary). Please note, in order to install our plugs and divert the flow on force mains we assume the incoming lines are protruding at least 3" into the manhole which will allow us to attach Fernco type coupling systems. If additional bypass, dewatering, or flow control is needed it will be provided by Others.
- Heavy Cleaning and or removal of any existing coating or liner is not included in bid proposal.
- Vacuum, hydrostatic, holiday/spark testing are not included in this bid proposal.

<p><b>ACCEPTED:</b></p> <p>The above prices, specifications and conditions are satisfactory and are hereby accepted.</p> <p><b>Buyer:</b> _____</p> <p><b>Signature:</b> _____</p> <p><b>Date of Acceptance:</b> _____</p>	<p><b>CONFIRMED:</b></p> <p><b>Vortex Lining Systems</b></p> <p><b>Authorized Signature:</b> _____</p> <p><b>Estimator:</b> Nate Kennedy (832) 392-1816 nkennedy@vortexcompanies.com</p>
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## Vendor Contract Information Summary

Vendor Name Vortex Services, LLC (formerly Vaught Services, LLC)  
Contact Ryan Graham  
Phone Number 7137509081  
Email rgraham@vortexcompanies.com  
Website www.vortexinfrastructure.com  
Federal ID 20-5007200  
Accepts RFQs Yes  
Address Line 1 18150 Imperial Valley Dr.  
Vendor City Houston  
Vendor Zip 77060  
Vendor State TX  
Vendor Country USA  
Delivery Days 5  
Freight Terms FOB Destination  
Payment Terms Net 30 days  
Shipping Terms Pre-paid and added to invoice  
Ship Via Common Carrier  
Is Designated Dealer No  
EDGAR Forms Received Yes  
Service-Disabled Veteran Owned No  
Minority Owned No  
Women Owned No  
Is National Yes  
No Excluded Foreign Terrorist Orgs Yes  
No Israel Boycott Certificate Yes  
Is MWBE No  
Regions Served All Texas Regions  
States Served All States  
Contract Name Cured in Place Pipe (CIPP) for Pipeline Rehabilitation  
Contract # 635-21  
Effective Date 03/01/2021  
Expiration Date 02/29/2024  
Service Fee Note Vehicle purchase orders are subject to a \$100 service fee  
Quote Reference Number 635-21  
Return Policy Refer to warranty.



## Vendor Contract Information Summary

Additional Dealers Vortex Infrastructure Services, Houston TX; Schwalm USA,  
Greenville SC



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PH: 800-695-2919 · FAX: 800-211-5454 · [www.vendor.buyboard.com](http://www.vendor.buyboard.com)

### **Bonding Regulatory Notice**

BuyBoard contract pricing does not include bonding or insurance. Each entity must assess their individual projects to determine the need for bonding and insurance, including without limitation such workers' compensation insurance as may be required by state or local law or policy. If required, it is the responsibility of each entity to obtain such bonding and insurance or confirmation of coverage, as applicable, from the vendor.

Also, each entity must assess their individual projects to determine whether the project is subject to prevailing wage rate requirements under the federal Davis Bacon Act or state or local law. If any such requirements apply, it is the responsibility of each entity to take appropriate action to determine compliance by the vendor.

The Texas Professional Services Procurement Act, Chapter 2254 of the Texas Government Code ("Act"), prohibits a governmental entity from using a competitive bid process that initially considers price in the procurement of professional services covered under the Act. "Professional services" under the Act includes, but is not limited to, professional engineering, architecture, accounting, landscape architecture, land surveying, and real estate appraisal services. Additionally, the Texas Interlocal Cooperation Act provides that a governmental entity may not use an interlocal contract with a purchasing cooperative to purchase engineering or architectural services (Texas Government Code, Section 791.011(h)). BuyBoard® contracts do not, and are not intended to, include professional services that must be procured in accordance with the Act. Cooperative members are reminded that they must comply with the Act whenever a contract includes professional services as a component part, and may not procure engineering or architectural services through a BuyBoard contract.



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## **BUYBOARD PROCUREMENT AND CONSTRUCTION-RELATED GOODS AND SERVICES ADVISORY FOR TEXAS MEMBERS**

**Why make purchases using BuyBoard?** Purchasing through a cooperative or "interlocal contract" satisfies the Texas law requirement of local governments to seek competitive procurement for the purchase of goods or services.<sup>1</sup> Therefore, you may purchase goods and services from a vendor under Texas law through BuyBoard without having to conduct your own competitive procurement. If, however, you are procuring construction-related services through a BuyBoard contract, such as a Job Order Contract (JOC) or contract for the installation of equipment or materials (e.g., athletic fields and surfaces, kitchen equipment, HVAC, playground equipment, or modular buildings), you may, as explained in this Advisory, need to procure certain aspects of these services using a separate procurement process outside of the BuyBoard and should consult your procurement officer and/or legal advisor for specific advice.

**What is BuyBoard's Procurement Process?** The BuyBoard uses a competitive procurement process to award contracts to vendors for goods and services that the BuyBoard determines, based on an evaluation of multiple criteria, represents the best value for its members.

**How does BuyBoard award a contract to a vendor?** As a condition of being awarded a BuyBoard contract, a vendor is bound by and must agree to comply with all the terms of the BuyBoard's proposal invitation (or specifications), the vendor's proposal response, and any additional contract terms negotiated with the BuyBoard member. Among other things, the vendor must honor the pricing submitted in the vendor's proposal. **THE PRICE YOU PAY FOR THE GOODS AND SERVICES COVERED BY THE BUYBOARD CONTRACT MAY BE LESS THAN THE AWARDED PRICING, BUT CANNOT BE MORE.** Additionally, the vendor must comply with the BuyBoard contract's general terms and conditions, and any additional terms and conditions that apply to the specific BuyBoard contract, as set out in the proposal invitation.

**How does a BuyBoard member make purchases through the BuyBoard contract?** You utilize the awarded BuyBoard contract by issuing a signed purchase order through the BuyBoard online application to procure the selected goods or services. Although BuyBoard must receive a copy of the signed purchase order, BuyBoard does not review or approve the purchase order or other supplemental agreement that you obtain – this is a matter between you and the vendor. If construction-related services are procured through the BuyBoard, additional contracts with professionals and the contractor may be required, depending on the nature and scope of the services. As stated above, you should consult your procurement officer and/or legal advisor for specific advice.

### **How do I know that my entity has made a purchase through the BuyBoard?**

BuyBoard must have a copy of the purchase order in order for the purchase to be considered a BuyBoard procurement. To ensure that your entity has satisfied state law requirements for competitive procurement, make sure that the BuyBoard has your purchase order. Do not rely on the vendor to submit the purchase order on your behalf; it is your responsibility to make sure that the BuyBoard has the signed purchase order. You may log in to [www.buyboard.com](http://www.buyboard.com) using your member I.D. and password to view the Purchase Order Status Report to confirm that the purchase order is in the BuyBoard system.

**What should BuyBoard members consider when using BuyBoard for construction-related purchases?** While purchasing goods and services through BuyBoard satisfies your legal requirement to competitively procure a good or service, as a general matter you must keep in mind other legal requirements that may relate to the purchase, especially when using BuyBoard for construction-related procurement.



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When making construction-related purchases through a BuyBoard contract, BuyBoard members must consider the following:

- **Best value determination.** In compliance with Texas law and any local policy, your entity must first determine that purchasing through an interlocal contract or purchasing cooperative is the procurement method that will provide best value.<sup>ii</sup> This is done by the governing body (e.g., board of trustees, council, commissioners' court, etc.) or may be delegated by the governing body to an individual or committee, with written notice.
- **Products or services not covered by the BuyBoard contract.** The BuyBoard contract covers only the specific goods and services awarded by the BuyBoard. If you want to purchase from a BuyBoard vendor goods or services from a BuyBoard vendor that are not covered by the vendor's BuyBoard contract, such as architectural, design, or engineering services, you must procure them separately in accordance with state law and local policy.
- **Architectural or Engineering and Independent Testing services.** If your procurement includes a construction component that requires architectural or engineering services, you must procure those services separately. YOU MAY NOT PROCURE ARCHITECTURAL OR ENGINEERING SERVICES THROUGH A BUYBOARD CONTRACT. Texas law requires architectural and engineering services to be obtained in accordance with the Professional Services Procurement Act (Chapter 2254 of the Texas Government Code) and prohibits them from being procured through a purchasing cooperative.<sup>iii</sup>
  - **Architecture.** A new building owned by a political subdivision having construction costs exceeding \$100,000 or an alteration or addition to an existing building having construction costs exceeding \$50,000 must have architectural plans and specifications prepared by an architect.<sup>iv</sup> (An "alteration" or "addition" for purposes of this requirement requires the removal, relocation, or addition of a wall or partition or the alteration or addition of an exit.)
  - **Engineering.** If the goods or services procured through the BuyBoard will involve engineering in which the public health, welfare, or safety is involved, the plans for structural, mechanical, electrical, electronic, fire suppression, geotechnical systems, foundation design, surface water drainage, plumbing and certain roof modifications and associated estimates must be prepared by an engineer, and the engineering construction must be performed under the direct supervision of an engineer.<sup>v</sup> The Engineering Practice Act provides two exceptions to this rule – no engineer is required if (1) the project involves mechanical or electrical engineering and will cost \$8,000 or less, or (2) the project does not require mechanical or electrical engineering and will cost \$20,000 or less.<sup>vi</sup>
  - **Independent Testing.** If acceptance of a facility by a public entity involves independent testing of construction materials engineering and/or verification testing services, the testing services should be procured under the Professional Services Procurement Act, and may not be procured under a BuyBoard contract.
  - **Written Certification.** A local governmental entity purchasing construction-related goods and services through a cooperative in an amount that exceeds \$50,000 must designate a person to certify in writing that the project does not require the preparation of plans or specifications by an architect or engineer OR that an architect or engineer has prepared the plans or specifications.<sup>vii</sup>



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- **Bonds.** You must also consider whether the vendor is required to provide a payment or performance bond. A payment bond is required for contracts that exceed \$25,000 to protect subcontractors who supply labor or materials for the project. A performance bond is required for a contract that exceeds \$100,000, to protect the local government if a contractor fails to complete the project.<sup>viii</sup> Without payment and performance bonds, if the contractor fails to pay its subcontractors or to complete the project, the public entity that entered the contract can be held responsible for payment claims or costs to complete.
- **Construction Contract.** Even though the procurement of construction or construction-related services may be through the BuyBoard, your construction contract is between your entity and the contractor. The BuyBoard contract's general terms and conditions, standing alone, are not sufficient to document your entity's specific transaction. THEREFORE, YOU SHOULD USE AN APPROPRIATE FORM OF CONSTRUCTION CONTRACT JUST AS YOU WOULD DO IF YOU PROCURED CONSTRUCTION SERVICES INDEPENDENTLY, USING COMPETITIVE SEALED PROPOSALS. The contract must contain provisions required by state law including: performance and payment bonds, requirements for payment of prevailing wages to all construction workers, workers' compensation coverage for all workers and, on projects where contractor employees may have direct contact with students, criminal history record checks. Other provisions which should be considered in the construction contract are retainage, contingency, liquidated damages and dispute resolution, among others. If federal funds are involved, additional requirements may apply. (See the Purchasing with Federal Funds BuyBoard Advisory available on the BuyBoard® website for additional information on purchases with federal funds.) By supplementing the BuyBoard contract with an appropriate form of construction contract, you ensure that your entity's unique interests are addressed and that your entity can enforce the contract directly.
- **Legal advice.** Because of the variety of laws that relate to construction-related purchasing and the potential risk of high exposure, you are well-advised to consult with your entity's legal counsel before procuring construction-related goods and services under any procurement method, including a purchasing cooperative.

**This Advisory is provided for educational purposes only to facilitate a general understanding of the law. This Advisory is neither an exhaustive treatment on the subject nor is it intended to substitute for the advice of an attorney.**

For more information about BuyBoard, contact us at 800-695-2919.

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- i. Tex. Gov't Code §791.025 and Tex. Local Gov't Code §271.102.
  - ii. Tex. Ed. Code §44.031(a) (school districts); Tex. Local Gov't Code §252.043(a)(municipalities) and §262.022(5-a) and §262.027(counties)
  - iii. Tex. Gov't Code §2254.004 and §791.011(h)
  - iv. Tex. Occ. Code §1051.703
  - v. Tex. Occ. Code §1001.0031(c)
  - vi. Tex. Occ. Code §1001.053
  - vii. Tex. Gov't Code §791.011(j), effective September 1, 2013
  - viii. Tex. Gov't Code §2253.021(a)



February 3, 2021

Sent Via Email: nbanchetti@vortexcompanies.com

Nicholas Banchetti  
Vortex Services, LLC  
18150 Imperial Valley Dr.  
Houston, TX 77060

Welcome to BuyBoard!

**Re:** Notice of The Local Government Purchasing Cooperative Contract Award; Proposal Invitation No. 635-21, Cured in Place Pipe (CIPP) for Pipeline Rehabilitation

Congratulations, The Local Government Purchasing Cooperative (Cooperative) has awarded your company a BuyBoard® contract based on the above-referenced Proposal Invitation. The contract is effective for an initial one-year term of March 1, 2021 through February 28, 2022 and may be subject to two possible one-year renewals. Please refer to the Proposal Invitation for the contract documents, including the General Terms and Conditions of the Contract.

To review the items your company has been awarded, please review Proposal Tabulation No. 635-21 at: [www.buyboard.com/vendor](http://www.buyboard.com/vendor). Only items marked as awarded to your company are included in this contract award, and only those awarded items may be sold through the BuyBoard contract. All sales must comply with the contract terms and must be at or below the awarded pricing as set forth in the General Terms and Conditions.

The contract will be posted on the BuyBoard website as an online electronic catalog(s). **You are reminded that, in accordance with the General Terms and Conditions, all purchase orders must be processed through the BuyBoard.** Except as expressly authorized in writing by the Cooperative's administrator, you are not authorized to process a purchase order received directly from a Cooperative member that has not been processed through the BuyBoard or provided to the Cooperative. If you receive a purchase order directly from a Cooperative member that you have reason to believe has not been received by the Cooperative or processed through the BuyBoard, you must promptly forward a copy of the purchase order by email to [info@buyboard.com](mailto:info@buyboard.com).

A list of Cooperative members is available on the [buyboard.com](http://buyboard.com) website.

On behalf of the Cooperative, we appreciate your interest in the Cooperative and we are looking forward to your participation in the program. If you have any questions, please contact **Cooperative Procurement Staff** at 800-695-2919 (select option "2").

Sincerely,

Arturo Salinas  
Asst. Division Director, Cooperative Purchasing  
Texas Association of School Boards, Inc.,  
Administrator for The Local Government Purchasing Cooperative



February 3, 2021

Sent Via Email: nbanchetti@vortexcompanies.com

Nicholas Banchetti  
Vortex Services, LLC  
18150 Imperial Valley Dr.  
Houston, TX 77060

Welcome to BuyBoard!

**Re:** *Notice of National Purchasing Cooperative Award*; Proposal Invitation No. 635-21, Cured in Place Pipe (CIPP) for Pipeline Rehabilitation

Congratulations, The National Purchasing Cooperative (National Cooperative) has awarded your company a BuyBoard® contract based on the above-referenced Proposal Invitation. The contract is effective for an initial one-year term of March 1, 2021 through February 28, 2022 and may be subject to two possible one-year renewals. Please refer to the Proposal Invitation for the contract documents, including the National Purchasing Cooperative Vendor Award Agreement and General Terms and Conditions of the Contract.

To review the items your company has been awarded, please review Proposal Tabulation No. 635-21 at [www.buyboard.com/vendor](http://www.buyboard.com/vendor). Only items marked as awarded to your company are included in this contract award, and only those awarded items may be sold through the BuyBoard contract. All sales must comply with the contract terms and must be at or below the awarded pricing as set forth in the General Terms and Conditions.

The contract will be posted on the BuyBoard website as an online electronic catalog(s). **You are reminded that, in accordance with the General Terms and Conditions, all purchase orders from National Cooperative members must be processed through the BuyBoard.** Except as expressly authorized in writing by the Cooperative's administrator, you are not authorized to process a purchase order received directly from a National Cooperative member that has not been processed through the BuyBoard or provided to the Cooperative. If you receive a purchase order directly from a National Cooperative member that you have reason to believe has not been received by the National Cooperative or processed through the BuyBoard, you must promptly forward a copy of the purchase order by e-mail to [info@buyboard.com](mailto:info@buyboard.com)

A list of National Cooperative members is available on the [buyboard.com](http://buyboard.com) website

On behalf of the National Cooperative, we are looking forward to your participation in the program. If you have any questions, please contact **Cooperative Procurement Staff** at 800-695-2919 (select option "2").

Sincerely,

Arturo Salinas, Asst. Division Director, Cooperative Purchasing  
Texas Association of School Boards, Inc., Procurement Administrator for the National Purchasing Cooperative  
v.02.01.2021





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## **PROPOSER'S AGREEMENT AND SIGNATURE**

**Proposal Name:** Cured in Place Pipe (CIPP) for Pipeline Rehabilitation

**Proposal Due Date/Opening Date and Time:**  
September 17, 2020 at 4:00 PM

**Proposal Number:** 635-21

**Location of Proposal Opening:**  
Texas Association of School Boards, Inc.  
BuyBoard Department  
12007 Research Blvd.  
Austin, TX 78759

**Contract Time Period:** March 1, 2021 through February 28, 2022 with two (2) possible one-year renewals.

**Anticipated Cooperative Board Meeting Date:**  
January 2021

Vortex Services, LLC

Name of Proposing Company

9/17/20

Date

18150 Imperial Valley Dr.

Street Address



Signature of Authorized Company Official

Houston, TX., 77060

City, State, Zip

Nicholas Banchetti

Printed Name of Authorized Company Official

713-750-9081

Telephone Number of Authorized Company Official

COO

Position or Title of Authorized Company Official

833-247-7943

Fax Number of Authorized Company Official

20-5007200

Federal ID Number



The proposing company ("you" or "your") hereby acknowledges and agrees as follows:

1. You have carefully examined and understand all Cooperative information and documentation associated with this Proposal Invitation, including the Instructions to Proposers, General Terms and Conditions, attachments/forms, item specifications, and line items (collectively "Requirements");
2. By your response ("Proposal") to this Proposal Invitation, you propose to supply the products or services submitted at the prices quoted in your Proposal and in strict compliance with the Requirements, unless specific deviations or exceptions are noted in the Proposal;
3. Any and all deviations and exceptions to the Requirements have been noted in your Proposal and no others will be claimed;
4. If the Cooperative accepts any part of your Proposal and awards you a contract, you will furnish all awarded products or services at the prices quoted and in strict compliance with the Requirements (unless specific exceptions are noted in the Proposal and accepted by the Cooperative), including without limitation the Requirements related to:
  - a. conducting business with Cooperative members, including offering pricing to members that is the best you offer compared to similar customers;
  - b. payment of a service fee in the amount specified and as provided for in this Proposal Invitation;
  - c. the **possible** award of a piggy-back contract by another governmental entity or nonprofit entity, in which event you will offer the awarded goods and services in accordance with the Requirements; and
  - d. submitting price sheets or catalogs in the proper format as required by the Cooperative as a prerequisite to activation of your contract;
5. You have clearly identified on the included form any information in your Proposal that you believe to be confidential or proprietary or that you do not consider to be public information subject to public disclosure under a Texas Public Information Act request or similar public information law;
6. The individual signing this Agreement is duly authorized to enter into the contractual relationship represented by this Proposal Invitation on your behalf and bind you to the Requirements, and such individual (and any individual signing a form) is authorized and has the requisite knowledge to provide the information and make the representations and certifications required in the Requirements;
7. You have carefully reviewed your Proposal, and certify that all information provided is true, complete and accurate, and you authorize the Cooperative to take such action as it deems appropriate to verify such information; and
8. Any misstatement, falsification, or omission in your Proposal, whenever or however discovered, may disqualify you from consideration for a contract award under this Proposal Invitation or result in termination of an award or any other remedy or action provided for in the General Terms and Conditions or by law.



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### **VENDOR CONTACT INFORMATION**

Name of Company: Vortex Services, LLC  
Vendor Proposal/Contract Contact Name: Nicholas Banchetti  
Vendor Proposal/Contract Contact E-mail Address: nbanchetti@vortexcompanies.com  
Vendor Contact Mailing Address for Proposal/Contract Notices: 18150 Imperial Valley Dr. Houston, TX 77060  
  
Company Website: www.vortexinfrastructure.com

**Purchase Orders:** All purchase orders from Cooperative members will be available through the Internet. Vendors need Internet access and at least one e-mail address so that notification of new orders can be sent to the Internet contact when a new purchase order arrives. An information guide will be provided to vendors to assist them with retrieving their orders.

**Please select options below for receipt of purchase orders and provide the requested information:**

- ☒ I will use the internet to receive purchase orders at the following address:  
Purchase Order E-mail Address: nbanchetti@vortexcompanies.com  
Purchase Order Contact: Nicholas Banchetti Phone: 713-750-9081  
Alternate Purchase Order E-mail Address: rgraham@vortexcompanies.com  
Alternate Purchase Order Contact: Ryan Graham Phone: 713-750-9081
- ☐ Purchase orders may be received by the Designated Dealer(s) identified on my company's Dealer Designation form as provided to the Cooperative administrator. I understand that my company shall remain responsible for the Contract and the performance of all Designated Dealers under and in accordance with the Contract.

**Request for Quotes ("RFQ"):** Cooperative members will send RFQs to you by e-mail. Please provide e-mail addresses for the receipt of RFQs:

RFQ E-mail Address: nbanchetti@vortexcompanies.com  
RFQ Contact: Nicholas Banchetti Phone: 713-750-9081  
Alternate RFQ E-mail Address: rgraham@vortexcompanies.com  
Alternate RFQ Contact: Ryan Graham Phone: 713-750-9081



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**Invoices:** Your company will be billed monthly for the service fee due under a contract awarded under this Proposal Invitation. **All invoices are available on the BuyBoard website and e-mail notifications will be sent when they are ready to be retrieved.** Please provide the following address, contact and e-mail information for receipt of service fee invoices and related communications:

Please choose only one (1) of the following options for receipt of invoices and provide the requested information:

☒ Service fee invoices and related communications should be provided directly to my company at:

Invoice Mailing address: 18150 Imperial Valley Dr. Department: Accounts Payable

City: Houston State: TX Zip Code: 77060

Contact Name: Shelly Knight Phone: 713-750-9081

Invoice Fax: 833-247-7943 Invoice E-mail Address: sknight@vortexcompanies.com

Alternative Invoice E-mail Address: nbanchetti@vortexcompanies.com

☐ In lieu of my company, I request and authorize all service fee invoices to be provided directly to the following billing agent\*\*:

Billing agent Mailing address: \_\_\_\_\_ Department: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Billing Agent Contact Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Billing Agent Fax: \_\_\_\_\_ Billing Agent E-mail Address: \_\_\_\_\_

Alternative Billing Agent E-mail Address: \_\_\_\_\_

**\*\* If Vendor authorizes a billing agent to receive and process service fee invoices, In accordance with the General Terms and Conditions of the Contract, Vendor specifically acknowledges and agrees that nothing in that designation shall relieve Vendor of its responsibilities and obligations under the Contract including, but not limited to, payment of all service fees under any Contract awarded Vendor.**



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## **FELONY CONVICTION DISCLOSURE AND DEBARMENT CERTIFICATION**

### **FELONY CONVICTION DISCLOSURE**

**Subsection (a) of Section 44.034 of the Texas Education Code (Notification of Criminal History of Contractor)** states: "A person or business entity that enters into a contract with a school district must give advance notice to the district if the person or an owner or operator has been convicted of a felony. The notice must include a general description of the conduct resulting in the conviction of a felony."

**Section 44.034 further states in Subsection (b):** "A school district may terminate a contract with a person or business entity if the district determines that the person or business entity failed to give notice as required by Subsection (a) or misrepresented the conduct resulting in the conviction. The district must compensate the person or business entity for services performed before the termination of the contract."

Please check (✓) one of the following:

- ☐ My company is a publicly-held corporation. (Advance notice requirement does not apply to publicly-held corporation.)  
☒ My company is not owned or operated by anyone who has been convicted of a felony.  
☐ My company is owned/operated by the following individual(s) who has/have been convicted of a felony:

Name of Felon(s): N/A

Details of Conviction(s): N/A

By signature below, I certify that the above information is true, complete and accurate and that I am authorized by my company to make this certification.

Vortex Services, LLC

Company Name

Nicholas Banchetti

Printed Name

Signature of Authorized Company Official

### **DEBARMENT CERTIFICATION**

Neither my company nor an owner or principal of my company has been debarred, suspended or otherwise made ineligible for participation in Federal Assistance programs under Executive Order 12549, "Debarment and Suspension," as described in the Federal Register and Rules and Regulations. Neither my company nor an owner or principal of my company is currently listed on the government-wide exclusions in SAM, debarred, suspended, or otherwise excluded by agencies or declared ineligible under any statutory or regulatory authority. My company agrees to immediately notify the Cooperative and all Cooperative members with pending purchases or seeking to purchase from my company if my company or an owner or principal is later listed on the government-wide exclusions in SAM, or is debarred, suspended, or otherwise excluded by agencies or declared ineligible under any statutory or regulatory authority.

By signature below, I certify that the above is true, complete and accurate and that I am authorized by my company to make this certification.

Vortex Services, LLC

Company Name

Nicholas Banchetti

Printed Name

Signature of Authorized Company Official



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## **RESIDENT/NONRESIDENT CERTIFICATION**

Chapter 2252, Subchapter A, of the Texas Government Code establishes certain requirements applicable to proposers who are not Texas residents. Under the statute, a "resident" proposer is a person whose principal place of business is in Texas, including a contractor whose ultimate parent company or majority owner has its principal place of business in Texas. A "nonresident" proposer is a person who is not a Texas resident. Please indicate the status of your company as a "resident" proposer or a "nonresident" proposer under these definitions.

Please check (✓) one of the following:

- ☒ I certify that my company is a **Resident Proposer**.
- ☐ I certify that my company is a **Nonresident Proposer**.

If your company is a Nonresident Proposer, you must provide the following information for your resident state (the state in which your company's principal place of business is located):

Vortex Services, LLC

Company Name

Houston, TX., 77060

City

18150 Imperial Valley Dr.

Address

TX

State

77060

Zip Code

- A. Does your resident state require a proposer whose principal place of business is in Texas to under-price proposers whose resident state is the same as yours by a prescribed amount or percentage to receive a comparable contract?  
☐ Yes ☐ No
- B. What is the prescribed amount or percentage? \$\_\_\_\_\_ or \_\_\_\_\_%

## **VENDOR EMPLOYMENT CERTIFICATION**

Section 44.031(b) of the Texas Education Code establishes certain criteria that a school district must consider when determining to whom to award a contract. Among the criteria for certain contracts is whether the vendor or the vendor's ultimate parent or majority owner (i) has its principal place of business in Texas; or (ii) employs at least 500 people in Texas.

If neither your company nor the ultimate parent company or majority owner has its principal place of business in Texas, does your company, ultimate parent company, or majority owner employ at least 500 people in Texas?

Please check (✓) one of the following:

- ☐ Yes ☐ No

By signature below, I certify that the information in Sections 1 (*Resident/Nonresident Certification*) and 2 (*Vendor Employment Certification*) above is true, complete and accurate and that I am authorized by my company to make this certification.

Vortex Services, LLC

Company Name

Signature of Authorized Company Official

Nicholas Banchetti

Printed Name



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## **NO ISRAEL BOYCOTT CERTIFICATION**

Effective September 1, 2017, as amended effective May 7, 2019 (H.B. 793), a Texas governmental entity may not enter into a contract with a value of \$100,000 or more that is to be paid wholly or partly from public funds with a company (excluding a sole proprietorship) that has 10 or more full-time employees for goods or services unless the contract contains a written verification from the company that it: (1) does not boycott Israel; and (2) will not boycott Israel during the term of the contract. (TEX. GOV'T CODE Ch. 2270). Accordingly, this certification form is included to the extent required by law.

"Boycott Israel" means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes. TEX. GOV'T CODE §808.001(1).

By signature below, I certify and verify that Vendor does not boycott Israel and will not boycott Israel during the term of any contract awarded under this Proposal Invitation, that this certification is true, complete and accurate, and that I am authorized by my company to make this certification.

**Vortex Services, LLC**

Company Name

Signature of Authorized Company Official

**Nicholas Banchetti**

Printed Name

***Note: If Vendor does not wish to make this certification, return the blank form in lieu of a completed certification.***

## **NO EXCLUDED NATION OR FOREIGN TERRORIST ORGANIZATION CERTIFICATION**

Effective September 1, 2017, Chapter 2252 of the Texas Government Code provides that a Texas governmental entity may not enter into a contract with a company engaged in active business operations with Sudan, Iran, or a foreign terrorist organization – specifically, any company identified on a list prepared and maintained by the Texas Comptroller under Texas Government Code §§806.051, 807.051, or 2252.153. (A company that the U.S. Government affirmatively declares to be excluded from its federal sanctions regime relating to Sudan, Iran, or any federal sanctions regime relating to a foreign terrorist organization is not subject to the contract prohibition.)

By signature below, I certify and verify that Vendor is not on the Texas Comptroller's list identified above; that this certification is true, complete and accurate; and that I am authorized by my company to make this certification.

**Vortex Services, LLC**

Company Name

Signature of Authorized Company Official

**Nicholas Banchetti**

Printed Name



12007 Research Boulevard • Austin, Texas 78759-2439 • PH: 800-695-2919 • FAX: 800-211-5454 • [buyboard.com](http://buyboard.com)

## **HISTORICALLY UNDERUTILIZED BUSINESS CERTIFICATION**

A proposer that has been certified as a Historically Underutilized Business (also known as a Minority/Women Business Enterprise or "MWBE" and all referred to in this form as a "HUB") is encouraged to indicate its HUB certification status when responding to this Proposal Invitation. The electronic catalogs will indicate HUB certifications for vendors that properly indicate and document their HUB certification on this form.

Please check (✓) all that apply:

- ☐ I certify that my company has been certified as a HUB in the following categories:
- ☐ **Minority Owned Business**
  - ☐ **Women Owned Business**
  - ☐ **Service-Disabled Veteran Owned Business (veteran defined by 38 U.S.C. §101(2), who has a service-connected disability as defined by 38 U.S.C. § 101(16), and who has a disability rating of 20% or more as determined by the U. S. Department of Veterans Affairs or Department of Defense)**

**Certification Number:**

\_\_\_\_\_

**Name of Certifying Agency:**

\_\_\_\_\_

- ☒ My company has **NOT** been certified as a HUB.

By signature below, I certify that the above is true, complete and accurate and that I am authorized by my company to make this certification.

**Vortex Services, LLC**

Company Name

**Nicholas Banchetti**

Printed Name

  
Signature of Authorized Company Official





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## **CONSTRUCTION-RELATED GOODS AND SERVICES AFFIRMATION**

A contract awarded under this Proposal Invitation covers only the specific goods and services awarded by the BuyBoard. As explained in the BuyBoard Procurement and Construction Related Goods and Services Advisory for Texas Members ("Advisory"), **Texas law prohibits the procurement of architecture or engineering services through a purchasing cooperative. This BuyBoard contract does not include such services. Architecture or engineering services must be procured by a Cooperative member separately, in accordance with the Professional Services Procurement Act (Chapter 2254 of the Texas Government Code) and other applicable law and local policy.**

The Advisory, available at [buyboard.com/Vendor/Resources.aspx](http://buyboard.com/Vendor/Resources.aspx), provides an overview of certain legal requirements that are potentially relevant to a Cooperative member's procurement of construction or construction-related goods and services, including those for projects that may involve or require architecture, engineering or independent testing services. A copy of the Advisory can also be provided upon request.

By signature below, the undersigned affirms that Proposer has obtained a copy of the Advisory, has read and understands the Advisory, and is authorized by Proposer to make this affirmation. If Proposer sells construction-related goods or services to a Cooperative member under a BuyBoard contract awarded under this Proposal Invitation, Proposer will comply with the Advisory and applicable legal requirements, make a good faith effort to make its Cooperative member customers or potential Cooperative member customers aware of such requirements, and provide a Cooperative member with a copy of the Advisory before executing a Member Construction Contract with the member or accepting the member's purchase order for construction-related goods or services, whichever comes first.

**Vortex Services, LLC**

Company Name

A handwritten signature in black ink, appearing to read "N. Banchetti", written over a horizontal line.

Signature of Authorized Company Official

**Nicholas Banchetti**

Printed Name

**9/17/20**

Date



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## **DEVIATION AND COMPLIANCE**

If your company intends to deviate from the General Terms and Conditions, Proposal Specifications or other requirements associated with this Proposal Invitation, you **MUST** list all such deviations on this form, and provide complete and detailed information regarding the deviations on this form or an attachment to this form. The Cooperative will consider any deviations in its contract award decision, and reserves the right to accept or reject a proposal based upon any submitted deviation.

In the absence of any deviation identified and described in accordance with the above, your company must fully comply with the General Terms and Conditions, Proposal Specifications and all other requirements associated with this Proposal Invitation if awarded a contract under this Proposal Invitation. A deviation will not be effective unless accepted by the Cooperative. The Cooperative may, in its sole discretion, seek clarification from and/or communicate with Proposer(s) regarding any submitted deviation, consistent with general procurement principles of fair competition. The Cooperative reserves the right to accept or reject a proposal based upon any submitted deviation.

Please check (✓) one of the following:

- ☒ **No;** Deviations  
☐ **Yes;** Deviations

List and fully explain any deviations you are submitting:

---

---

### **PLEASE PROVIDE THE FOLLOWING INFORMATION:**

1. Shipping Via: ☐ Common Carrier ☐ Company Truck ☒ Prepaid and Add to Invoice ☐ Other:

---

2. Payment Terms: ☒ Net 30 days ☐ 1% in 10/Net 30 days ☐ Other:

---

3. Number of Days for Delivery: 2-5 ARO

4. Vendor Reference/Quote Number: \_\_\_\_\_

5. State your return policy: refer to warranty

---

6. Are electronic payments acceptable? ☒ Yes ☐ No

7. Are credit card payments acceptable? ☒ Yes ☐ No

**Vortex Services, LLC**

Company Name

Signature of Authorized Company Official

**Nicholas Banchetti**

Printed Name



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## LOCATION / AUTHORIZED SELLER LISTINGS

If you have more than one location/authorized seller that will service a contract awarded under this Proposal Invitation, please list each location/authorized seller below. If additional sheets are required, please duplicate this form as necessary. NOTE: Awarded Vendors shall remain responsible for all aspects of the Contract, including processing of Purchase Orders, and shall be responsible for the performance of all locations and authorized sellers under and in accordance with the Contract. If you are a product manufacturer and wish to designate Designated Dealers as defined in the General Terms and Conditions to receive Cooperative member Purchase Orders on your behalf, you must complete the Manufacturer Designated Dealer form.

### Vortex Infrastructure Services, LLC

Company Name

18150 Imperial Valley Dr.

Address

Houston, TX., 77060

TX

77060

City

State

Zip

713-750-9081

833-247-7943

Phone Number

Fax Number

Nicholas Banchetti

Contact Person

### Schwalm USA

Company Name

1200 Woodruff Road, Unit B-7

Address

Greenville

SC

29607

City

State

Zip

855-949-3441

844-204-7996

Phone Number

Fax Number

Casey Kane

Contact Person



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## **MANUFACTURER DEALER DESIGNATION**

If Vendor is a manufacturer that sells products through a dealer network and wishes to designate a dealer or multiple dealers ("Designated Dealers") to receive Cooperative member Purchase Orders on Vendor's behalf, you must complete this form for each dealer you wish to designate.

Regardless of any Designated Dealers submitted by Vendor, Vendor specifically agrees and acknowledges that any such designations are for Vendor's convenience only and shall not, if Vendor is awarded a Contract, relieve Vendor of any obligations under the Contract, including payment of Cooperative service fees on all Purchase Orders submitted to Vendor or any Designated Dealer. In accordance with the General Terms and Conditions, an awarded Vendor shall remain responsible and liable for all of its obligations under the Contract and the performance of both Vendor and any of Vendor's Designated Dealers under and in accordance with the Contract and remain subject to all remedies for default thereunder, including, but not limited to suspension and termination of Vendor's Contract for nonpayment of service fees.

If awarded, Vendor authorizes the Cooperative, in its sole discretion, to list any Vendor Designated Dealers in the BuyBoard system and to receive Purchase Orders directly from Cooperative members on behalf of Vendor. To the extent a Vendor with Designated Dealers receives a Purchase Order directly, it shall be the responsibility of Vendor to appropriately process such Purchase Order in accordance with the Contract, including but not limited to timely forwarding such Purchase Order to a Designated Dealer for processing.

The Cooperative reserves the right, in its sole discretion, to refuse addition of, or request removal of, any Designated Dealer, and Vendor agrees to immediately require such Designated Dealer to cease accepting Purchase Orders or otherwise acting on Vendor's behalf under the Contract. Further, the Cooperative's administrator shall be authorized to remove or suspend any or all Designated Dealers from the BuyBoard at any time in its sole discretion.

If you wish to designate a dealer to service a contract awarded under this Proposal Invitation, please list the Designated Dealer below and have this form signed by an official of your company authorized to make such designation. If you wish to designate multiple dealers, please duplicate this form as necessary.

### **Schwalm USA**

Designated Dealer Name

1200 Woodruff Road, Unit B-7

Designated Dealer Address

Greenville

SC

29607

City

State

Zip

855-949-3441

844-204-7996

Phone Number

Fax Number

ckane@SCHWALM-USA.com

81-1114957

Email address

Designated Dealer Tax ID Number\* (\*attach W-9)

Casey Kane

Designated Dealer Contact Person

Vortex Services, LLC

Your Company Name

Signature of Authorized Company Official

# Request for Taxpayer Identification Number and Certification

Give Form to the  
requester. Do not  
send to the IRS.

► Go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9) for instructions and the latest information.

Print or type.  
See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.

Schwalm USA LLC

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.

☐ Individual/sole proprietor or single-member LLC

☐ C Corporation

☐ S Corporation

☐ Partnership

☐ Trust/estate

☒ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► P

Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.

☐ Other (see instructions) ►

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):

Exempt payee code (if any) \_\_\_\_\_

Exemption from FATCA reporting code (if any) \_\_\_\_\_

(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.) See instructions.

17 A.D. Asbury Drive

6 City, state, and ZIP code

Greenville, SC 29605

7 List account number(s) here (optional)

Requester's name and address (optional)

## Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number

\_\_\_\_ - \_\_\_\_ - \_\_\_\_

or

Employer identification number

8 1 - 1 1 1 4 9 5 7

## Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign  
Here

Signature of  
U.S. person ►

*Bailey Carroll*

Date ► 2020

## General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

**Future developments.** For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9).

## Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.



January 25, 2022

Sent via email to: [rgraham@vortexcompanies.com](mailto:rgraham@vortexcompanies.com)

Ryan Graham  
Vortex Services, LLC (formerly Vaught Services, LLC)  
18150 Imperial Valley Dr.  
Houston TX 77060

Re: Cured in Place Pipe (CIPP) for Pipeline Rehabilitation  
BuyBoard Contract 635-21

The Local Government Purchasing Cooperative (BuyBoard) awarded your company a contract under Cured in Place Pipe (CIPP) for Pipeline Rehabilitation, Contract 635-21 effective March 1, 2021, through February 28, 2022, with two possible one-year renewals. At this time, the BuyBoard is renewing your contract through February 28, 2023.

All discounts, terms, and conditions of your contract will remain the same. If you agree to this renewal, there is nothing you need to do. However, if you do not agree to this renewal, you must notify me via email at [lisa.maraden@tasb.org](mailto:lisa.maraden@tasb.org) prior to the start of the renewal term.

**Reminder:** Once a BuyBoard contract is awarded, vendors must generate a minimum of \$15,000 annually or they may not be offered a contract renewal.

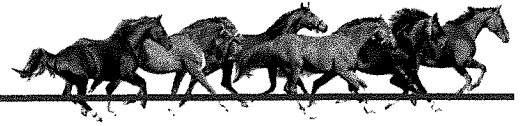
If you have questions or comments concerning this renewal, please contact me as soon as possible at [lisa.maraden@tasb.org](mailto:lisa.maraden@tasb.org). We appreciate your interest in The Local Government Purchasing Cooperative.

Sincerely,

Lisa Maraden  
Contract Administrator

1<sup>st</sup> renewal v.02.13.2020

# **AGENDA ITEM #11**



**Date:** June 17, 2022

**To:** City Commission via City Manager Mark McLaughlin

**CC:** Courtney Alvarez, City Attorney and Mary Valenzuela, City Secretary

**From:** Janine Reyes, Director of Tourism Services/Public Information Officer

**Summary:** The City of Kingsville Fire Department has been in the process of redesigning their patch for placement on uniforms and shirts. In the design process, the Fire Department requested use of the Running W to incorporate our city's history and create a more uniform appearance that aligns with the Police Department and City Logo. The King Ranch granted approval if the city agrees to terms set out in a use agreement that has been reviewed by the City Attorney.

The new patch will be featured on Kingsville Fire Department uniforms and shirts. The uniform and shirt cost is already a budgeted item. There is no cost associated with use of the Running W in the Fire Department patch.

**Financial Impact:** \$0.00

**Recommendation:** Staff recommends Commission approve the City Attorney reviewed agreement with King Ranch for the use of the Running W in the City of Kingsville Fire Department patch.





**RESOLUTION #2022-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LETTER AGREEMENT WITH THE KING RANCH FOR USE OF THEIR RUNNING W TRADEMARK IN THE FIRE DEPARTMENT SHIELD; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Kingsville City Commission approved a new logo on March 28, 2022 that was contingent on an agreement with the King Ranch to use their Running W in the design; and

**WHEREAS**, the City received and on June 13, 2022 approved a resolution authorizing execution of a letter agreement for Permission to Use the King Ranch's Running W Trademark in the City Logo as specified in the agreement; and

**WHEREAS**, the City Fire Department is updating their shield which is used on various Fire Department items like badges, clothes, hats and would like to incorporate the Running W symbol as well to better match the City's new logo and the Police Department's shield; and

**WHEREAS**, it is mutually deemed sound, desirable, practicable, and beneficial for the parties to enter into the agreement attached hereto.

**NOW THEREFOR, BE IT RESOLVED** by the City Commission of the City of Kingsville, Texas:

I.

**THAT** the City Manager is authorized and directed as an act of the City of Kingsville, Texas to enter into a letter Agreement with the King Ranch for Permission to Use the King Ranch's Running W Trademark in the City Fire Department's Shield in accordance with Exhibit A hereto attached and made a part hereof.

II.

**THAT** all resolutions or parts of resolutions in conflict with this resolution are repealed to the extent of such conflict only.

III.

**THAT** this Resolution shall be and become effective on and after adoption.

**PASSED AND APPROVED** by a majority vote of the City Commission on the  
27th day of June, 2022.

---

Sam R. Fugate, Mayor

**ATTEST:**

---

Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

---

Courtney Alvarez, City Attorney



June 21, 2022

City of Kingsville Fire Department  
P.O. Box 1458  
Kingsville, TX 78364

*Re: Permission to Use King Ranch's Running W Trademark in Fire Department Shield*

Dear Mark McLaughlin,

This letter will confirm the permission we have discussed for the City of Kingsville Fire Department (the "Fire Department") to include King Ranch's Running W Design (the "Mark") as a decorative element in the proposed shield shown on Schedule A included herein (the "Fire Department Shield"). It is our understanding that the Fire Department Shield will be used solely in connection with customary and official Fire Department activities and services (the "Use").

To confirm, King Ranch IP, LLC is the owner of all right, title and interest in the Mark and has granted King Ranch IP Licensing, LLC ("King Ranch") an exclusive license with the right to grant sublicenses in the Mark for the Use. Through this letter, King Ranch grants the Fire Department a royalty-free, non-exclusive, revocable, and non-transferable permission to use and include the Mark in the Fire Department Shield. The Mark can be displayed as part of the Fire Department Shield for the Use, including on official Fire Department documents, signage, stationery, letterhead, uniforms, physical property (ex. fire engines and emergency medical service vehicles) and buildings (*i.e.*, fire stations), and related promotional materials and sites, including the Fire Department website and social media accounts.

The Fire Department's use of the Mark does not connote or carry any endorsement, sponsorship or affiliation between King Ranch and any of its affiliates, or their respective employees, goods, services, or properties, and the Fire Department. The Fire Department expressly shall not use the Mark in any manner which suggests any endorsement, affiliation or sponsorship by or with King Ranch or its affiliates. The Fire Department acknowledges that King Ranch IP, LLC is the sole and exclusive owner of all right, title, and interest in the Mark, and the Fire Department acquires no rights to the use of the Mark other than as set forth in this letter. The Mark may only be used as a part of the Fire Department Shield and may not be used separately or beyond the scope of the contemplated Use. The Fire Department agrees to immediately notify King Ranch in writing if it becomes aware of any infringement, unauthorized use, or proposed unauthorized use of the Mark by any person or entity, and further agrees to provide assistance to King Ranch as may be reasonably requested to enable King Ranch to enforce its rights in the Mark.

The Mark may not be altered in any way or used separately from the Fire Department Shield. The Fire Department must use the Mark in accordance with King Ranch's instructions as to form and appearance of the Mark as may be provided from time to time. King Ranch reserves the right to update or modify its instructions at any time. If the Fire Department wishes to use the Mark in a manner other than what is depicted in Schedule A as part of the Fire Department Shield, the Fire Department must seek prior approval of King Ranch. Failure by the Fire Department to obtain King Ranch's prior approval to any change in the Mark constitutes grounds for immediate termination of the Fire Department's permission to use the Mark. The Fire Department may not seek any federal or state trademark registration for the Fire Department Shield or any other Shield that contains or depicts the Mark.

King Ranch, Inc.  
Three Riverway, Suite 1600  
Houston, Texas 77056-1967  
TEL 832-681-5700 • FAX 832-681-5759



King Ranch shall have the right to terminate the Fire Department's permission to use the Mark for any reason with twelve (12) months' prior written notice. The Fire Department's right to use the Mark may not be transferred or sublicensed.

If these terms are acceptable to the Fire Department, please have an authorized official sign below and return a signed copy of this letter to King Ranch. If you have any questions, please do not hesitate to contact me.

Yours Truly,

Mary Gilbert  
Chief Financial Officer  
King Ranch IP Licensing, LLC

**ACCEPTED AND AGREED**

City of Kingsville Fire Department

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

King Ranch, Inc.  
Three Riverway, Suite 1600  
Houston, Texas 77056-1967  
TEL 832-681-5700 • FAX 832-681-5759

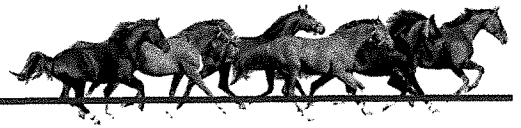


Schedule A



King Ranch, Inc.  
Three Riverway, Suite 1600  
Houston, Texas 77056-1967  
TEL 832-681-5700 • FAX 832-681-5759

## **AGENDA ITEM #12**



**Date:** June 17, 2022

**To:** City Commission via City Manager Mark McLaughlin

**CC:** Courtney Alvarez, City Attorney and Mary Valenzuela, City Secretary

**From:** Janine Reyes, Director of Tourism Services/Public Information Officer

**Summary:** The City of Kingsville Police Department has featured the King Ranch Running W in their patch since 2001. The Police Department entered into an agreement with the King Ranch for use of the Running W when it was initially featured in their patch. Because the King Ranch has created two recent agreements for use of the Running W for the City of Kingsville Logo and the City of Kingsville Fire Department patch, the King Ranch would like to also update the agreement with the Police Department so that language in the agreement mirrors the other two agreements. There is no change being made to the design of the City of Kingsville Police Department patch. The City Attorney has reviewed this new agreement.

**Financial Impact:** \$0.00

**Recommendation:** Staff recommends Commission approve the City Attorney reviewed agreement with King Ranch for the use of the Running W in the City of Kingsville Fire Department patch.



**RESOLUTION #2022-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LETTER AGREEMENT WITH THE KING RANCH FOR USE OF THEIR RUNNING W TRADEMARK IN THE POLICE DEPARTMENT SHIELD; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Kingsville City Commission approved a new logo on March 28, 2022 that was contingent on an agreement with the King Ranch to use their Running W in the design; and

**WHEREAS**, the City received and on June 13, 2022 approved a resolution authorizing execution of a letter agreement for Permission to Use the King Ranch's Running W Trademark in the City Logo as specified in the agreement; and

**WHEREAS**, the City Fire Department is updating their shield which is used on various Fire Department items like badges, clothes, hats and would like to incorporate the Running W symbol as well to better match the City's new logo and the Police Department's shield, and that agreement was approved via resolution on June 27, 2022; and

**WHEREAS**, the City Police Department has had an agreement to use the Running W symbol on its shield since 2001 and the Ranch would now like to update that agreement to mirror the language of the agreements with the City for its logo and the Fire Department shield; and

**WHEREAS**, it is mutually deemed sound, desirable, practicable, and beneficial for the parties to enter into the agreement attached hereto.

**NOW THEREFOR, BE IT RESOLVED** by the City Commission of the City of Kingsville, Texas:

I.

**THAT** the City Manager is authorized and directed as an act of the City of Kingsville, Texas to enter into a letter Agreement with the King Ranch for Permission to Use the King Ranch's Running W Trademark in the City Police Department's Shield in accordance with Exhibit A hereto attached and made a part hereof.

II.



**THAT** all resolutions or parts of resolutions in conflict with this resolution are repealed to the extent of such conflict only.

III.

**THAT** this Resolution shall be and become effective on and after adoption.

**PASSED AND APPROVED** by a majority vote of the City Commission on the 27th day of June, 2022.

---

Sam R. Fugate, Mayor

**ATTEST:**

---

Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

---

Courtney Alvarez, City Attorney



June 22, 2022

City of Kingsville Police Department  
1700 East King Avenue  
Kingsville, Texas 78363

*Re: Permission to Use King Ranch's Running W Trademark in Police Department Shield*

Dear Mark McLaughlin,

As you know, the City of Kingsville Police Department was granted permission to use King Ranch's Running W Design in a letter dated February 16, 2001 (enclosed as Attachment A). Given that more than twenty years have passed, King Ranch has taken the opportunity to review that letter and update the language to ensure that it is consistent with King Ranch's current trademark practices and that it continues to properly serve both parties. Should there be any discrepancies between the 2001 letter and the present letter, this letter supersedes all previous correspondence. By way of example, the 2001 letter allowed King Ranch to terminate the trademark permission with six months' notice, but that has now been updated to give the Police Department twelve months' notice.

This letter confirms and continues the grant of permission for the City of Kingsville Police Department (the "Police Department") to include King Ranch's Running W Design (the "Mark") as a decorative element in the shield shown in Attachment B included herein (the "Police Department Shield"). It is our understanding that the Police Department Shield will be used solely in connection with customary and official Police Department activities and services (the "Use").

To confirm, King Ranch IP, LLC is the owner of all right, title and interest in the Mark and has granted King Ranch IP Licensing, LLC ("King Ranch") an exclusive license with the right to grant sublicenses in the Mark for the Use. Through this letter, King Ranch grants the Police Department a royalty-free, non-exclusive, revocable, and non-transferable permission to use and include the Mark in the Police Department Shield. The Mark can be displayed as part of the Police Department Shield for the Use, including on official Police Department documents, signage, stationery, letterhead, uniforms, physical property (ex. official vehicles) and buildings (*i.e.*, the police station), and related promotional materials and sites, including the Police Department website and social media accounts.

The Police Department's use of the Mark does not connote or carry any endorsement, sponsorship or affiliation between King Ranch and any of its affiliates, or their respective employees, goods, services, or properties, and the Police Department. The Police Department expressly shall not use the Mark in any manner which suggests any endorsement, affiliation or sponsorship by or with King Ranch or its affiliates. The Police Department acknowledges that King Ranch is the sole and exclusive owner of all right, title, and interest in the Mark, and the Police Department acquires no rights to the use of the Mark other than as set forth in this letter. The Mark may only be used as a part of the Police Department Shield and may not be used separately or beyond the scope of the contemplated Use. The Police Department agrees to immediately notify King Ranch in writing if it becomes aware of any infringement, unauthorized use, or proposed unauthorized use of the Mark by any person or entity, and further agrees to provide assistance to King Ranch as may be reasonably requested to enable King Ranch to enforce its rights in the Mark.

The Mark may not be altered in any way or used separately from the Police Department Shield. The Police Department must use the Mark in accordance with King Ranch's instructions as to form and appearance of the

**King Ranch, Inc.**  
Three Riverway, Suite 1600  
Houston, Texas 77056-1967  
TEL 832-681-5700 • FAX 832-681-5759



Mark as may be provided from time to time. King Ranch reserves the right to update or modify its instructions at any time. If the Police Department wishes to use the Mark in a manner other than what is depicted in Attachment B as part of the Police Department Shield, the Police Department must seek prior approval of King Ranch. Failure by the Police Department to obtain King Ranch's prior approval to any change in the Mark constitutes grounds for immediate termination of the Police Department's permission to use the Mark. The Police Department may not seek any federal or state trademark registration for the Police Department Shield or any other shield or logo that contains or depicts the Mark.

King Ranch shall have the right to terminate the Police Department's permission to use the Mark for any reason with twelve (12) months' prior written notice. The Police Department's right to use the Mark may not be transferred or sublicensed.

Please have an authorized official of the Police Department sign below to acknowledge receipt, and return a signed copy of this letter to King Ranch. If you have any questions, please do not hesitate to contact me.

Yours Truly,

Mary Gilbert  
Chief Financial Officer  
King Ranch IP Licensing, LLC

**ACCEPTED AND AGREED**

City of Kingsville Police Department

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**King Ranch, Inc.**  
Three Riverway, Suite 1600  
Houston, Texas 77056-1967  
TEL 832-681-5700 • FAX 832-681-5759



**Attachment A- 2001 Letter**

**KING RANCH**

February 16, 2001

City of Kingsville Police Department  
P. O. Box 1458  
Kingsville, TX 78364-1458

Re: License Agreement

Gentlemen:

This will confirm the license agreement we have discussed for King Ranch, Inc. ("KRI") to grant the right for the City of Kingsville Police Department ("Police Department") to use the KING RANCH name and RUNNING W Design (the "Marks")

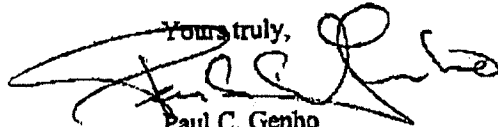
KRI grants a royalty-free right and license for the Police Department to use the Marks in a purely decorative manner on uniform patches and on letterhead and stationery. The use of the Marks by the Police Department does not connote any endorsement, sponsorship or affiliation between KRI, its employees, goods, services, or properties, and the Police Department or the city of Kingsville. The Police Department shall not use the Marks any manner which connotes any endorsement, affiliation or sponsorship by or with KRI, its employees, goods, services or properties

KRI shall have the right to specify reasonable instructions for the form and manner of the way the Marks are displayed and used by the Police Department. Whenever there is a change in the way the Marks are displayed on letterhead, stationery or uniform patches, the Police Department shall give notice to KRI with an opportunity to require any changes in appearance, shape, color or quality or the way the Marks appear

KRI shall have the right to terminate the use of the Marks by the Police Department on six months written notice. Before termination, the Police Department will remove the Marks and change any letterhead, stationery and uniform patches and will not thereafter use or display the Marks on any letterhead, stationery or other form of display.

If these terms are acceptable to the Police Department, please have an authorized official sign below and return the enclosed copy of this letter.

Yours truly,



Paul C. Genho  
Vice President and General Manager  
Livestock & Ranch Operations

Accepted and Agreed to:  
City of Kingsville Police Department

By: 

Title

2-16-2001

Date

**Agri-Business**

P.O. Box 1090  
Kingsville, Texas 78364-1090

TEL 361-592-6411  
FAX 361-592-6885

Encl. 1

Our shoulder patch is a symbol of our dedication to the community. The items included represent the things that we are proud of and made Kingsville what it is today. The blue background denotes the honor and dedication with which we perform our sworn duty. The date is the year the City of Kingsville was incorporated. The main feature of the patch is the City Seal. It shows a flying jet plane to represent the Naval Air Station that many of our U.S. Navy aviators trained as fighter pilots. This training facility is known for its excellence and few pilots fly that have not been through its gates. Texas A&M University-Kingsville is also shown. This college began as an independent teaching college almost a century ago. It later became a general education school and recently was made part of the Texas A&M University system. The Celanese Pharmaceuticals plant is one of the major industries in the Kingsville area. The importance of this plant to the Kingsville economy is evident by its inclusion on the seal. Another major industry in our area, as well as Texas, is oil production. The Exxon Company held a large base of operations here and was a very important part of our economy. The brand of the King Ranch - the *Running W* - known worldwide as a mark of quality and breeding excellence, is an important symbol of the heritage of Kingsville. The King Ranch made Kingsville what it is today and developed the famous Santa Gertrudis cattle. This robust, beefy breed is popular with Texas cattle ranchers. Finally, shown in the center of the City Seal is the Green Jay. Commonly found in our area, this bird is the Official Bird of Kingsville.

02-08-01 12:57 TO: PAUL GENNO

FROM: 6615931712

P03

# COLORS



BORDER, "KINGSVILLE"  
"POLICE", "1911", "WV"  
IN GOLD

STATE OUTLINE IN  
LT. BLUE

BACKGROUND IN BLUE

CITY SEAL IN  
MULTI-COLOR, GOLD STARS,  
GREEN JAY, BROWN BULL &  
COWBEE

INCLUSION ON  
NEW PATCH

ISSUE UNIFORM  
PATCH  
FOR MORE THAN  
15 YRS.

Running  
w/ HERE





**Attachment B**



**King Ranch, Inc.**  
Three Riverway, Suite 1600  
Houston, Texas 77056-1967  
TEL 832-681-5700 • FAX 832-681-5759



## **AGENDA ITEM #13**

**City of Kingsville  
Finance Department**

---

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Deborah Balli, Finance Director

DATE: June 09, 2022

SUBJECT: Increased Credit Card Fees Budget Amendment

---

**Summary:**

The credit card fees are trending to reach \$123,000 on a \$98,000 budget, thus a \$25,000 budget amendment request. Credit card fee revenues which offset the costs, are trending to reach \$78,000 which leaves a difference of \$45,000 that the City covers for customer's use of credit cards to pay their accounts.

**Financial Impact:**

The current credit card fees are not set high enough to cover the total amount of fees which results in the City covering the shortage. Currently the budget for the Collections division is not able to absorb the increased costs. Funding for this budget amendment will come from the unappropriated fund balance of the Utility Fund 051.

**Recommendation:**

Staff recommends the approval of the increased credit card fees budget amendment.



**ORDINANCE NO. 2022-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2021-2022 BUDGET FOR INCREASED CREDIT CARD FEES.**

**WHEREAS**, it was unforeseen when the budget was adopted that there would be a need for funding for these expenditures this fiscal year.

I.

**BE IT ORDAINED** by the City Commission of the City of Kingsville that the Fiscal Year 2021-2022 budget be amended as follows:

CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT #40

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 051 – Utility Fund</b>					
<u>Expenditures</u>					
6201	Collections	Credit Card Fees	34200	\$25,000	

[To amend the City of Kingsville FY 21-22 Budget for increased credit card fees. This expenditure will come the unappropriated fund balance of the Utility Fund.]

II.

**THAT** all Ordinances or parts of Ordinances in conflict with this Ordinance are repealed to the extent of such conflict only.

III.

**THAT** if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

**THAT** this Ordinance shall not be codified but shall become effective on and after adoption and publication as required by law.

**INTRODUCED** on this the 27th day of June 2022.

**PASSED AND APPROVED** on this the 11th day of July 2022.

**EFFECTIVE DATE:** \_\_\_\_\_

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney

## **AGENDA ITEM #14**

**City of Kingsville  
Finance Department**

---

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Deborah Balli, Finance Director

DATE: June 14, 2022

SUBJECT: Budget Amendment - Debt Service Transfer for Solid Waste Equipment

---

**Summary:**

The three garbage trucks that were approved and budgeted in the FY 20-21 budget was included in the Tax Note 2021 issue. The 2021 annual payment for the garbage trucks were funded by the I&S tax rate, however, going forward should be funded by Fund 087-Solid Waste Capital Projects Fund. The wheeled trash compactor budgeted and approved in FY 21-22 should also be funded by Fund 087-Solid Waste Capital Projects Fund. This year's payment for the garbage trucks was not budgeted in FY 21-22 and the payment for the wheeled trash compactor was estimated. Now that we know the actual allocation for both items, we need to appropriate funds to cover these payments.

**Financial Impact:**

The allocation for the garbage trucks is \$111,746.79 to be funded by Fund 087-Solid Waste Capital Projects. The allocation for the wheeled trash compactor is only \$3,744.25 (interest only) and we estimated \$76,962.00. The net difference that has not been funded by Fund 087 is \$38,529.04.

**Recommendation:**

Staff recommends the approval of the budget amendment for the debt service transfer for the Solid Waste Equipment purchased through the Tax Note 2021 and Tax Note 2022.



**ORDINANCE NO. 2022-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2021-2022 BUDGET TO PROVIDE FUNDING FOR THE DEBT SERVICE PAYMENT FROM FUND 087 FOR THE SOLID WASTE EQUIPMENT PURCHASED THROUGH 2021 AND 2022 TAX NOTES.**

**WHEREAS**, it was unforeseen when the budget was adopted that there would be a need for funding for these expenditures this fiscal year.

I.

**BE IT ORDAINED** by the City Commission of the City of Kingsville that the Fiscal Year 2021-2022 budget be amended as follows:

CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT #42

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 087 – Solid Waste Capital Projects</b>					
<u>Expenditures</u>					
6900	Transfer To	Transfer to Fund 011	80011	\$38,529.04	
<b>Fund 011 – GO Debt Service</b>					
0000	Transfer In	Transfer From Fund 087	75050	\$38,529.04	

[To amend the City of Kingsville FY 21-22 Budget to provide funding for the Debt Service payment from Fund 087 for the Solid Waste equipment purchased through the 2021 and 2022 Tax Notes. This expenditure will come the unappropriated fund balance of the Solid Waste Capital Projects fund balance.]

II.

**THAT** all Ordinances or parts of Ordinances in conflict with this Ordinance are repealed to the extent of such conflict only.

III.

**THAT** if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission

that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

**THAT** this Ordinance shall not be codified but shall become effective on and after adoption and publication as required by law.

**INTRODUCED** on this the 27th day of June 2022.

**PASSED AND APPROVED** on this the 11th day of July 2022.

**EFFECTIVE DATE:**\_\_\_\_\_

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney



# **AGENDA ITEM #15**



## City Manager's Office

---

TO: Mayor and City Commissioners

CC:

FROM: City Manager

DATE: June 22, 2022

SUBJECT: LE Ramey Golf Course Greens Renovation with Kleberg County

---

### Summary:

The state of play of the greens at the LE Ramey Golf Course has been less than desirable. The turf (Champions) does not grow well in our climate and higher salinity rate of the well water at the golf course. Over the past year, the Golf Course Superintendent has replaced three golf course greens with new sod using Seashore Paspalum Dynasty. This grass performs well in our climate and well water situation.

There are 15 holes that still require new sod and we've added the practice green by the clubhouse as the 16<sup>th</sup> green requiring renovation.

This agenda memo requests approval of funding from General Fund-Fund Balance to cover half the total cost for the renovations. Kleberg County Judge Rudy Madrid has agreed to pay the other half of the total cost.

### Green renovation cost estimate

- 129,600 sq feet of Dynasty Paspalum Sod - \$ 110,400
- Soil amendments/peat moss - \$ 19,200
- Gypsum - \$ 5120
- Starter Fertilizer - \$ 3200
- Sand 12 yards per green - \$17,600
- Misc Materials and equipment - \$24,000
- Labor - \$80,000

**Total for 16 Greens \$259,520.00**

**City Contribution: \$129,760.00**

**County Contribution: \$129,760.00**





### **City Manager's Office**

In addition, the labor rate is more than the \$50,000 limit and will need to be sent out for bids.

If approved by both the City Commission and County Commission, reclamation of 16 greens will take place over the fall and into next fiscal year. The plan will be to close the front nine holes and sod those greens with the new grass. Once playable, the other 9 holes will be closed for sod renovation. It takes roughly three months from a green to be removed from service, rebuilt, allowed to grow, then re-opened for play.

#### **Recommendation:**

- a. Request Commission approval the use of \$129,760 (half of the total cost of \$259,520.00) from Fund 001 fund balance for renovations to 16 greens (15 course greens and one practice green by the clubhouse) at the LE Ramey Golf Course.



## Green renovation cost estimate

129,600 sq feet of Dynasty Paspalum Sod - \$ 110,400

Soil amendments/peat moss - \$ 19,200

Gypsum - \$ 5120

Starter Fertilizer - \$ 3200

Sand 12 yards per green - \$17,600

Misc Materials and equipment - \$24,000

Labor - \$80,000

Total for 16 Greens \$259,520.00

**ORDINANCE NO. 2022-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2021-2022 BUDGET TO APPROPRIATE FUNDING FOR 50% OF THE RENOVATION COSTS OF THE GOLF COURSE REMAINING 15 GREENS AND THE PUTTING GREEN.**

**WHEREAS**, it was unforeseen when the budget was adopted that there would be a need for funding for these expenditures this fiscal year.

I.

**BE IT ORDAINED** by the City Commission of the City of Kingsville that the Fiscal Year 2021-2022 budget be amended as follows:

CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT #43

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 001 – General Fund</b>					
Revenues					
4502	Golf Course	Contribution from County	58002	\$129,760	
<u>Expenditures</u>					
4502	Golf Course	Golf Course Greens Project	71215	\$259,520	

[To amend the City of Kingsville FY 21-22 Budget to appropriate funding for 50% of the renovation costs of Golf Course remaining 15 greens and 1 practice green. This expenditure will be funded by the unappropriated fund balance of General Fund and the County will contribute the other 50% cost of \$129,760.]

II.

**THAT** all Ordinances or parts of Ordinances in conflict with this Ordinance are repealed to the extent of such conflict only.

III.

**THAT** if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission

that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

**THAT** this Ordinance shall not be codified but shall become effective on and after adoption and publication as required by law.

**INTRODUCED** on this the 27th day of June 2022.

**PASSED AND APPROVED** on this the 11th day of July 2022.

**EFFECTIVE DATE:**\_\_\_\_\_

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney

# **AGENDA ITEM #16**

**Kingsville Parks & Recreation**  
400 W. King (mailing)  
501 Santiago Park Lane (physical)  
Kingsville, Texas 78363  
361-221-8705  
Susan Ivy, Director  
361-219-9125



**For Information on events and facilities**  
[www.cityofkingsville.com/department/parks](http://www.cityofkingsville.com/department/parks)  
**Email:**  
[sivy@cityofkingsville.com](mailto:sivy@cityofkingsville.com)  
**or follow us on Facebook**  
**Kingsville Parks and Recreation**

**To: Mark McLaughlin, City Manager**

**From: Susan Ivy, Parks Director**

**Date: June 17, 2022**

**Re: City Commission Agenda Request - Budget Amendment for Additional funds for Motor Gas & Oil in Division 4502 – Golf Course**

**Summary** – We are requesting Commission approval for the attached budget amendment for additional funds for motor gas and oil due to rising costs.

**History** – Due to gas price increases nationwide our Motor Gas and Oil line item, which began at \$11,000.00 for this fiscal year, has been depleted. We have transferred \$1,002.00 from within our budget to get one more load of gas but our budget is very lean right now and cannot support our need for gas for the remainder of the fiscal year. Our Estimated Annual expenditure for this year is \$18,000.00. This will require an additional \$6,000.00.

**Financial Impact** – This budget amendment will provide an additional \$6,000.00 in our motor gas & oil line item from the General Fund's unappropriated fund balance.

**Recommendation** - We ask that you approve the budget amendment as presented to you today.



**ORDINANCE NO. 2022-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2021-2022 BUDGET TO PROVIDE ADDITIONAL FUNDING FOR INCREASED MOTOR GAS AND OILS COSTS FOR THE GOLF COURSE.**

**WHEREAS**, it was unforeseen when the budget was adopted that there would be a need for funding for these expenditures this fiscal year.

I.

**BE IT ORDAINED** by the City Commission of the City of Kingsville that the Fiscal Year 2021-2022 budget be amended as follows:

CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT #46

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 001 – General Fund</b>					
<u>Expenditures</u>					
4502	Golf Course	Motor Gas & Oil	21500	\$6,000	

[To amend the City of Kingsville FY 21-22 Budget to provide additional funding for increased motor gas and oil costs for the golf course. This expenditure will be funded by the unappropriated fund balance of the General Fund 001.]

II.

**THAT** all Ordinances or parts of Ordinances in conflict with this Ordinance are repealed to the extent of such conflict only.

III.

**THAT** if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

**THAT** this Ordinance shall not be codified but shall become effective on and after adoption and publication as required by law.

**INTRODUCED** on this the 27th day of June 2022.

**PASSED AND APPROVED** on this the 11th day of July 2022.

**EFFECTIVE DATE:**\_\_\_\_\_

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney

# **AGENDA ITEM #17**

**City of Kingsville**  
**Public Works, Solid Waste Division**

---

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: William Donnell, Director of Public Works

DATE: June 15, 2022

SUBJECT: Fund 087 Solid Waste Capital Projects Fund Budget Amendment

---

**Summary:**

This item authorizes funding for vehicle and equipment repairs required up to this date of the budget.

**Background:**

Maintaining an aging fleet of sanitation garbage trucks is expensive. To minimize maintenance costs, vehicle downtime and irregular service dates, three new garbage trucks were ordered last fiscal year. Eighteen months later two residential trucks were delivered on May 25th and placed in service. During this time the Garage mechanics worked almost daily on at least one or more of the garbage trucks. The new trucks will minimize maintenance cost, vehicle downtime and irregular services for the residents. Fund 087 is used as an additional source for vehicle maintenance and repairs for the Solid Waste Division and is currently over budget by \$55,408. All future repairs for the remainder of FY 21-22 will be funded by General Fund.

**Financial Impact:**

Funding of \$55,408 for this budget amendment request will come from the unappropriated fund balance of Fund 087-Solid Waste Capital Projects.

**Recommendation:**

Staff is recommending approval of funds to cover sanitation vehicle maintenance repairs.



**ORDINANCE NO. 2022-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2021-2022 BUDGET TO APPROPRIATE ADDITIONAL FUNDING FOR VEHICLE REPAIRS ON SANITATION GARBAGE TRUCKS.**

**WHEREAS**, it was unforeseen when the budget was adopted that there would be a need for funding for these expenditures this fiscal year.

I.

**BE IT ORDAINED** by the City Commission of the City of Kingsville that the Fiscal Year 2021-2022 budget be amended as follows:

CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT #44

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 087 – Solid Waste Capital Projects</b>					
<u>Expenditures</u>					
1702	Sanitation	Vehicle Repairs	41100	\$55,408	

[To amend the City of Kingsville FY 21-22 Budget to appropriate additional funding for vehicle repairs on Sanitation garbage trucks. This expenditure will be funded by the unappropriated fund balance of the Solid Waste Capital Project Fund 087.]

II.

**THAT** all Ordinances or parts of Ordinances in conflict with this Ordinance are repealed to the extent of such conflict only.

III.

**THAT** if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

**THAT** this Ordinance shall not be codified but shall become effective on and after adoption and publication as required by law.

**INTRODUCED** on this the 27th day of June 2022.

**PASSED AND APPROVED** on this the 11th day of July 2022.

**EFFECTIVE DATE:**\_\_\_\_\_

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney

# **AGENDA ITEM #18**

**City of Kingsville**  
**Public Works, Water Production Division**

---

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: William Donnell, Director of Public Works

DATE: June 15, 2022

SUBJECT: Fund 054 Utility Fund Budget Amendment

---

**Summary:**

This item authorizes funding for water well services related to the repairs required at Well #23.

**Background:**

Water well #23 located at S 6<sup>th</sup> and General Cavazos Boulevard was completed in 2010 and is a good producing well for the south part of the City of Kingsville. Early in the month of May the well motor shorted out. Friedel Drilling was contacted and scheduled to pull the pump. After removal and inspection of the column pipe and pump, it is recommended to replace the pump due to production loss. Severe pitting and corrosion of the pump deems it non repairable, so a new pump is proposed. Approximately eight feet of the oil tube and several bearings will need to be replaced. The column pipe appears to be in good condition. Anodes are proposed to be installed to minimize electrolysis in the well. This well was last brushed, and sonar jetted in 2015. Quotes for repairs are attached.

**Financial Impact:**

This will reduce unappropriated Fund 054 balance by \$120,645.00 and increase Utility Plant account 054-5-6002-54300 by \$120,645.00.

**Recommendation:**

Staff is recommending approval of funds to continue unexpected repairs for Water Well #23.





# Friedel Drilling Company

555 City of Hochheim Rd.  
Yoakum, TX 77995-4824

Estimate

Phone # 3612935545  
Fax # 361-293-7085  
E-mail fdc@friedeldrilling.com

Date	Estimate #
6/2/2022	4099

City of Kingsville  
P. O. Box 1458  
Kingsville, Texas 78364

Location: Well No. 23

Description	Qty	U/M	Rate	Total
Chemicals for well	1	ea	12,583.00	12,583.00T
Scratch 12" Casing - Versadrill	12	hr	350.00	4,200.00T
Treat well with acid	10	hr	300.00	3,000.00T
Haul extra pipe and tool to and from location	5	hr	175.00	875.00T
Haul Chemicals to location	5	hr	175.00	875.00T
Haul Vac String to and from location	6	hr	175.00	1,050.00T
Rebuild tool	1	ea	2,000.00	2,000.00T
Surge chemical	3	hr	300.00	900.00T
Two men to and from location	5	hr	140.00	700.00T
Start to vacuum well	15	hr	300.00	4,500.00T
Big Air Compressor	1	DA	1,500.00	1,500.00T
Transport Vacuum tank	5	hr	175.00	875.00T
Video well	1	ea	3,300.00	3,300.00T
Sonar Jet Well	1	ea	6,800.00	6,800.00T
Tech to assist with video	5	hr	95.00	475.00T
Final Video of well with tech, if required	1	ea	3,775.00	3,775.00T
Miscellaneous Supplies	1	ea	1,200.00	1,200.00T
Hotel/Per Diem per day, if necessary	2		1,925.00	3,850.00T
**Estimate valid for 15 days.				
Regulated by: The Texas Department of Licensing and Regulation, P.O. Box 12157, Austin, Texas 78711- Phone: (800) 803-9202 or (512) 463-7880			Sales Tax (0.0%)	\$0.00
			Total	\$52,458.00

# Friedel Drilling Company

555 City of Hochheim Rd.

Yoakum, TX 77995-4824

Phone # 3612935545

# Invoice

Date	Invoice #
6/3/2022	9122

Bill To
City of Kingsville P. O. Box 1458 Kingsville, Texas 78364

NOW ACCEPTING ALL  
MAJOR CREDIT CARDS

P.O. No.	Terms	Project
Well 23	Net 30	

Quantity	Description	U/M	Rate	Amount
21	Pull lineshaft water well (5/10/22, 5/11/22)	hr	300.00	6,300.00T
1	Video well with Tech (5/24/22)	ea	3,775.00	3,775.00T
5	Haul skidsteer to and from location	hr	175.00	875.00T
2.5	Haul pipe from location	hr	175.00	437.50T
2.5	Skidsteer on location	hr	95.00	237.50T
4	Loaded rods and tubes; bring to yard and restack pipe (5/24/22)	hr	140.00	560.00T
1	Hotel/Per Diem		1,925.00	1,925.00T
1	Miscellaneous Supplies	ea	370.00	370.00T
	***Work/Charges to date on Well No. 23			

Sales Tax (0.0%) \$0.00

**Total** \$14,480.00

Payments/Credits \$0.00

**Balance Due** \$14,480.00

Regulated by: Texas Department of Licensing and Regulation, P.O. Box 12157, Austin,  
Texas 78711, Phone: 800-803-9202 or 512-463-7880

## Friedel Drilling Company

555 City of Hochheim Rd.  
Yoakum, TX 77995-4824

Phone # 361-293-5545  
Fax # 361-293-7085  
E-mail [fdco@friedeldrilling.com](mailto:fdco@friedeldrilling.com)

## Estimate

Date	Estimate #
8-2-2011	4128

City of Kingsville  
P. O. Box 1458  
Kingsville, Texas 78364

Location: Well No.

Description	Qty	U/M	Rate	Total
7 Stage II CHC OIL Bowl Assembly	1	ea	14,707.00	14,707.00
**Estimate on bowl assembly only.				
**Estimate valid for 15 days.**				
**Two weeks delivery				

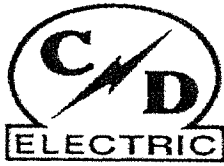
Regulated by: The Texas Department of Licensing and Regulation, P.O. Box 12157, Austin,  
Texas 78711 Phone: (800) 803-9262 or (512) 463-7880

**Sales Tax (0.0%)**

50.00

**Total**

\$14,707.00



## **C-D Electric**

### **Motor Sales and Service**

617 HIGH STARR DRIVE  
CORPUS CHRISTI, TEXAS 78408  
DAY OR NIGHT (361) 888-4133

**DATE:** May 16, 2022  
**TO:** City of Kingsville  
**RE:** Repair Report  
**CD-JOB#** 36043

**Description:**

150 Horsepower, 1780 RPM, 460VAC, 164 amps, 3-phase, H444TP Frame, US VHS Motor WPI, Type DN11 C/N H01SGV2SLG ID#Z077698595-0007-R0002 1500#

**Scope of work:**

- Received 5/10/22-disassembled and inspected, stator burnt, has iron damage, and bad OPE bearing housing, need to cut off, burn out, take data, repair core, core test, rewind stator, dip and bake, run winding analysis, clean and paint all parts, machine OPE end shield, balance rotor and quill, install new 6215 PE and 7322 OPE bearings and lubricate, install 240V120V strip heater, reassemble, test and paint, run vibration analysis, fill out repair report.

**Estimate on Repairs**

Inspection	\$500.00
Core repair	\$1000.00
Stator rewind	\$6500.00
Materials	\$3000.00
Machine work	\$1500.00
Labor	\$2000.00
Total	\$14,500.00 10-15 working days ARO

Cost of new motor, \$19,000.00 stock FOB Mississippi 3-5 days

Thank you,

William J. Pittaway  
Owner

**ORDINANCE NO. 2022-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2021-2022 BUDGET TO PROVIDE FUNDING FOR WATER WELL #23 REPAIRS.**

**WHEREAS**, it was unforeseen when the budget was adopted that there would be a need for funding for these expenditures this fiscal year.

I.

**BE IT ORDAINED** by the City Commission of the City of Kingsville that the Fiscal Year 2021-2022 budget be amended as follows:

CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT #45

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 054 – Utility Fund Capital Projects</b>					
<u>Expenditures</u>					
6002	Water Prod	Utility Plant	54300	\$120,645	

[To amend the City of Kingsville FY 21-22 Budget to provide funding for water well #23 repairs. This expenditure will be funded by the unappropriated fund balance of the Utility Fund Capital Projects Fund 054.]

II.

**THAT** all Ordinances or parts of Ordinances in conflict with this Ordinance are repealed to the extent of such conflict only.

III.

**THAT** if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

**THAT** this Ordinance shall not be codified but shall become effective on and after adoption and publication as required by law.

**INTRODUCED** on this the 27th day of June 2022.

**PASSED AND APPROVED** on this the 11th day of July 2022.

**EFFECTIVE DATE:** \_\_\_\_\_

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney

# **AGENDA ITEM #19**

**City of Kingsville**  
**Public Works, Solid Waste Division**

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TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: William Donnell, Director of Public Works

DATE: June 15, 2022

SUBJECT: General Fund 001 Solid Waste Budget Amendment

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**Summary:**

This item authorizes additional funding for Overtime, Motor Gas & Oil, Professional Services, Vehicle Maintenance to cover expenses to the end of this fiscal year.

**Background:**

The economy has been devastating to the Solid Waste Division. When garbage trucks are down for repairs, the routes take longer causing unpredicted overtime for Sanitation drivers and Landfill operators. Motor Gas & Oil has nearly doubled since October 2021. Professional Services for the single stream Recycling Compactor has nearly doubled from last fiscal year averaging over \$1200 per month for hauling services. Vehicle and equipment parts are at an all-time high as parts have not been readily available most of the time.

**Financial Impact:**

This will reduce unappropriated General Fund 001 balance by \$183,768.00 and increase

001-5-1702-11200 - Overtime \$45,137

001-5-1702-21500 - Motor Gas & Oil \$38,948

001-5-1702-31400 - Professional Services \$8,000

001-5-1702-41100 - Vehicle Maintenance \$43,000

001-5-1703-11200 - Overtime \$14,902

001-5-1703-21500 - Motor Gas & Oil \$33,781

**Recommendation:**

Staff is recommending approval of funds to cover Solid Waste operating expenses.





**ORDINANCE NO. 2022-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2021-2022 BUDGET TO PROVIDE ADDITIONAL FUNDING FOR INCREASED COSTS IN SOLID WASTE.**

**WHEREAS**, it was unforeseen when the budget was adopted that there would be a need for funding for these expenditures this fiscal year.

I.

**BE IT ORDAINED** by the City Commission of the City of Kingsville that the Fiscal Year 2021-2022 budget be amended as follows:

CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT #47

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 001 – General Fund</b>					
<u>Expenditures</u>					
1702	Sanitation	Overtime	11200	\$45,137	
1702	Sanitation	Motor Gas & Oil	21500	\$38,948	
1702	Sanitation	Professional Services	31400	\$8,000	
1702	Sanitation	Vehicle Maintenance	41100	\$43,000	
1703	Landfill	Overtime	11200	\$14,902	
1703	Landfill	Motor Gas & Oil	21500	\$33,781	

[To amend the City of Kingsville FY 21-22 Budget to provide additional funding for increased costs in Solid Waste. This expenditure will be funded by the unappropriated fund balance of the General Fund 001.]

II.

**THAT** all Ordinances or parts of Ordinances in conflict with this Ordinance are repealed to the extent of such conflict only.

III.

**THAT** if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

**THAT** this Ordinance shall not be codified but shall become effective on and after adoption and publication as required by law.

**INTRODUCED** on this the 27th day of June 2022.

**PASSED AND APPROVED** on this the 11th day of July 2022.

**EFFECTIVE DATE:**\_\_\_\_\_

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney

## **AGENDA ITEM #20**

**City of Kingsville  
Police Department**

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TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Ricardo Torres, Chief of Police

DATE: June 17, 2022

SUBJECT: Request for Budget Amendment

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**Summary:**

The police department is requesting additional funding for overtime in the Patrol Division 2102, Communications Division 2103, and Criminal Investigations Bureau 2104 to finish out FY2021-2022.

**Background:**

Due to retirements, officer's leaving for other law enforcement opportunities and other officer's leaving the profession in general due to the negativism being directed at law enforcement, our department has experienced being up to 15 officers short this budget year during short time periods.

Because we are a Civil Service City, we hire citizens who have not attended a police academy. In order to train an officer they must attend a police academy that provides, as mandated by the Texas Commission on Law Enforcement, 696 hours of classroom training. Upon completion of the academy they do an additional 125 hours of in-service training at our department as well as a 16 week or 640 additional hours of Field Training. That is nearly a year before an officer is actually covering the position of a police officer.

We are also requesting additional funding to repair some of our vehicles. The automobile chip shortage has resulted in use having to keep older vehicles that we need to consider retiring. For now we continue to repair those vehicles for use in the field. This has resulted in higher costs for those repairs. We are just now receiving vehicles ordered for this budget years and we are hopeful that we will receive vehicles ordered in FY2020-2021 soon. However this is not guaranteed, and we request additional funding to finish out the year.

**Financial Impact:**



## **City of Kingsville Police Department**

Recently we had four officers in field training, four officers attending the academy and five open positions we are still expending salaries as well as overtime to backfill those positions. Unfortunately as we release officers in training, we have had other officers leave or retire.

This will continue to be a problem as smaller agencies in close proximity to the Port of Corpus Christi are benefitting from the economic boost that is occurring and will continue to occur in the foreseeable future. Those smaller agencies have targeted our personnel as well as once officers receive their training, they immediately make themselves marketable and are looking for employment in larger cities, as well as state and federal law enforcement.

### **Recommendation:**

We request that a budget amendment be approved for additional overtime the amount of \$121,248.88 to finish out the year as well as for additional funding for maintenance of our older police vehicles in the amount of \$15,889.68. Thank you for your consideration and assistance.



KINGSVILLE POLICE DEPARTMENT  
BUDGET AMENDMENT REQUESTS

Fund	Line Item	Fiscal Budget	Current Expenditures After 18 weeks	Current Balance	Average Weekly Expenditure	Budget Amendment Avg Weekly X8 weeks left in FY
OVERTIME						
001	5-2102-112.00	\$ 175,602.00	\$ 182,629.78	\$ (7,027.78)	\$ 10,146.10	\$ 81,168.79
001	5-2103-112.00	\$ 32,624.00	\$ 40,200.52	\$ (7,576.52)	\$ 2,233.36	\$ 17,866.90
001	5-2104-112.00	\$ 15,143.00	\$ 15,751.31	\$ (608.31)	\$ 875.07	\$ 7,000.58
				\$ (15,212.61)	\$	\$ 106,036.27
				Funding for negative balances	\$	\$ 15,212.61
						\$ 121,248.88
VEHICLE MAINTENANCE						
001	5-2102-411.00	\$ 44,900.00	\$ 40,859.18	\$ 4,040.82	\$ 2,269.95	\$ 18,159.64
						\$ 15,889.68
				Total needed in Overtime and Vehicle Maintenance		\$ 137,138.56

**ORDINANCE NO. 2022-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2021-2022 BUDGET TO PROVIDE ADDITIONAL FUNDING FOR INCREASED COSTS IN THE POLICE DEPARTMENT FOR OVERTIME AND VEHICLE MAINTENANCE.**

**WHEREAS**, it was unforeseen when the budget was adopted that there would be a need for funding for these expenditures this fiscal year.

I.

**BE IT ORDAINED** by the City Commission of the City of Kingsville that the Fiscal Year 2021-2022 budget be amended as follows:

CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT #48

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 001 – General Fund</b>					
<u>Expenditures</u>					
2102	Patrol	Overtime	11200	\$88,196.57	
2103	Communications	Overtime	11200	\$25,443.42	
2104	CID	Overtime	11200	\$7,608.89	
2102	Patrol	Vehicle Maintenance	41100	\$15,889.68	

[To amend the City of Kingsville FY 21-22 Budget to provide additional funding for increased costs in the Police Department for overtime and vehicle maintenance. This expenditure will be funded by the unappropriated fund balance of the General Fund 001.]

II.

**THAT** all Ordinances or parts of Ordinances in conflict with this Ordinance are repealed to the extent of such conflict only.

III.

**THAT** if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

**THAT** this Ordinance shall not be codified but shall become effective on and after adoption and publication as required by law.

**INTRODUCED** on this the 27th day of June 2022.

**PASSED AND APPROVED** on this the 11th day of July 2022.

**EFFECTIVE DATE:** \_\_\_\_\_

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney



# **AGENDA ITEM #21**

**City of Kingsville  
Purchasing Department**

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TO: Mayor and City Commissioners  
CC: Mark McLaughlin, City Manager  
FROM: Charlie Sosa Purchasing Manager  
DATE: June 14, 2022  
SUBJECT: Depository Services

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**Summary:**

This item authorizes the city to enter into negotiations with Kleberg Bank. The services are for Depository Services Contract.

**Background:**

We published a Request for Applications for Proposal # 22-12 in the newspaper on May 26, 2022 and June 2, 2022. Request for Applications were accepted until 2:00 PM on June 7, 2022 and one response was received. Staff reviewed RFA 22-12

**Financial Impact:**

None at this time

**Recommendation:**

It is recommended the City negotiates with Kleberg Bank 100 E. Kleberg Kingsville Texas for Depository Services. Kleberg Bank currently is the institution on record for the city's Depository Services, located here in Kingsville, Texas and can meet and exceed the city's financial needs.



# **BID LOG SHEET**

**Project:** RFA# 22-12 "Depository Services Agreement"  
**Facilitator:** Charlie Sosa  
**Place/Room:** City Hall/ Community Room

**Date:** Tuesday, June 07, 2022  
**Time:** 2:00 p.m.

	<b><u>COMPANY NAME</u></b>	<b><u>DATE RECEIVED</u></b>	<b><u>TIME RECEIVED</u></b>
1	Kleberg Bank	6/7/22	10:40 am
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			

# **SIGN IN SHEET**

RFA# 22-12 "Depository Services

**Project:** Agreement"

**Facilitator:** Charlie Sosa

**Place/Room:** City Hall/Community Room

**Date:** Tuesday, 06/07/2022

**Time:** 2:00 P.M.

<u><b>PRINT NAME</b></u>	<u><b>COMPANY</b></u>	<u><b>PHONE</b></u>	<u><b>EMAIL</b></u>
1. CHARLEY L SOSA	COIC	361-595-8005	CSOSA@cityofKingsville.com
2.			
3.			
4.			
5.			
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22.			

# SIGN IN SHEET

RFA# 22-12 Depository Services-Pre-Bid

**Project:** Meeting

**Date:** Tuesday, 05/24/2022

**Facilitator:** Charlie Sosa

**Time:** 10:00 AM

**Place/Room:** City Hall/Finance

<u>PRINT NAME</u>	<u>COMPANY</u>	<u>PHONE</u>	<u>EMAIL</u>
1. CHARLIE SOSA	COK	261-5958025	C.Sosa@cityofkingsalle.com
2.			
3.			
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22.			

**From:** Vanessa Echols  
**Sent:** Monday, May 16, 2022 2:36 PM  
**To:** KR Classifieds <[Classifieds@Kingsvillerecord.com](mailto:Classifieds@Kingsvillerecord.com)>  
**Cc:** Charlie Sosa <[CSosa@cityofkingsville.com](mailto:CSosa@cityofkingsville.com)>  
**Subject:** RE: Legal Ad for City of Kingsville RFA 22-12

Hi Rose,  
Everything looks good. Thank you. Please publish in 05/19 & 05/26 issues.  
Have a great day,  
Vanessa

**From:** KR Classifieds <[Classifieds@Kingsvillerecord.com](mailto:Classifieds@Kingsvillerecord.com)>  
**Sent:** Monday, May 16, 2022 2:23 PM  
**To:** Vanessa Echols <[vechols@cityofkingsville.com](mailto:vechols@cityofkingsville.com)>  
**Subject:** Re: Legal Ad for City of Kingsville RFA 22-12

Vanessa,

I have attached the proof of your ad.

Please review and let me know of any changes.

#### Request for Sealed Applications

The City of Kingsville, Texas will receive sealed applications for RFA # 22-12 "Depository Services Agreement" until 2:00 p.m. on **Tuesday, June 07, 2022**. Sealed applications will be addressed to, City of Kingsville, Charlie Sosa, Purchasing Manager, P.O. Box 1458, Kingsville, TX 78364 or may be hand delivered to City of Kingsville Finance Department, City Hall 3<sup>rd</sup> Floor, 400 West King Ave., Kingsville, TX 78363. A pre-submittal conference is scheduled for Tuesday, May 24, 2022 at 10:00 AM in the Finance Conference Room, 3rd Floor City Hall, 400 W. King Ave in which depositories may ask questions of City staff concerning this RFA. Additional information/proposal packet can be found at: <https://www.cityofkingsville.com/departments/purchasing/rfp-bid-openings-fy-2022/> or by contacting Charlie Sosa at [csosa@cityofkingsville.com](mailto:csosa@cityofkingsville.com)

140 words - \$70.00  
(\$3.00 aff/ts)  
TOTAL: \$143.00  
05/19 & 05/26

**Rose Garza | Office Manager**

o: 361.592.4304 x1001

231 E. Kleberg | P.O. Box 951  
Kingsville, Tx 78363

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**From:** Vanessa Echols <[vechols@cityofkingsville.com](mailto:vechols@cityofkingsville.com)>  
**Sent:** Wednesday, May 11, 2022 8:28 AM  
**To:** KR Classifieds <[Classifieds@Kingsvillerecord.com](mailto:Classifieds@Kingsvillerecord.com)>  
**Cc:** Charlie Sosa <[CSosa@cityofkingsville.com](mailto:CSosa@cityofkingsville.com)>  
**Subject:** Legal Ad for City of Kingsville RFA 22-12

Good morning Rose,



**REQUEST FOR APPLICATION  
RFA #22-12**

**DEPOSITORY SERVICES AGREEMENT**

**June 7, 2022**

**A. INTRODUCTION**

The City of Kingsville (“the City”) issues this Request for Applications (“RFA”) to eligible depository institutions to perform depository services for City funds. Only those depository institutions doing business within the city limits of Kingsville, Texas with full depository service capabilities as required in this RFA will be eligible to serve as the City’s depository (“Depository”). The City intends to manage its own investments pursuant to its Investment Policy; therefore, the Depository will not provide any investment transaction activities other than safe keeping services such as receiving and delivering securities, coupon collections, and maturity collections.

**B. SEQUENCE OF EVENTS**

The City will make every effort to adhere to the following schedule:

<b>Item</b>	<b>Date</b>
Mail application packets	May 20, 2022
Applications available on the City of Kingsville website at <a href="http://www.cityofkingsville.com">www.cityofkingsville.com</a>	
Advertise in newspaper	May 20, 2022 & May 27, 2022
Pre-submission of applications conference	May 24, 2022 at 10:00 a.m.
Sealed application submission deadline and Public opening of sealed applications	June 7, 2022 at 2:00 p.m.
Recommended selection	June 10, 2022
Commission Presentation/ Depository Services Agreement Award	June 28, 2022
Effective date of new Depository Services Agreement	October 1, 2022

**C. TERMS OF DEPOSITORY SERVICES AGREEMENT**

The term of the Depository Services Agreement will commence on October 1, 2022 and continue until September 30, 2026 or until a new Depository is appointed and qualified. The Depository Services Agreement will provide that the City may terminate the Agreement immediately for cause. The Depository Services Agreement will also provide that the City reserves the right to terminate any agreement, during the initial term and any option terms, upon ninety (90) days prior written notice of its intent to terminate any agreement. Unless terminated, the Depository Services Agreement will automatically renew for two additional one-year terms. All service fees must be guaranteed for the initial term of the Agreement and any option year.



#### **D. CRITERIA FOR EVALUATION AND SELECTION**

The City will review each application to determine the type and cost of services offered by the depository. After considering the following evaluation and selection criteria, the City will determine in its sole discretion which application to perform depository services is most advantageous to the City. Applications must address the issues and questions specified in this RFA.

The City will determine the “most advantageous” application in two stages. First, the City will consider the following matters:

1. whether the depository institution is a bank, credit union or savings association as defined in Section 105.001 of the Texas Local Government Code, doing business within the city limits of Kingsville, Texas;
2. whether the depository institution can perform the required services set out in this RFA;
3. whether the depository institution is of sufficient financial strength to serve as the City’s Depository;
4. whether the depository institution is able to satisfy the collateral requirements set out in this RFA; and

After determining which applications are still acceptable after evaluating them according to the above criteria, the second stage of determining the most advantageous application will involve the evaluation of the applications submitted. Applications will be evaluated according to the following evaluation and selection criteria, with a maximum number of points allowed per item. Once the points are awarded, that number will be multiplied by the respective weight factor to determine the score for the particular item.

<b>Max Points</b>	<b>Weight Factor</b>	<b>Description of Item</b>
25	25.0%	Cost of depository services, including safekeeping and securities clearance fees, and the cost of conversion and implementation of depository services.
20	20.0%	Cut-off time for accepting deposits for same-day credit, Funds availability schedule, and hours of operation.
15	15.0%	Ability, experience and success in providing depository services and electronic cash management services to other public funds customers in Kingsville, Texas, as well as quality reports.
7.5	7.5%	Restrictions regarding individual check amounts, wire transfer amounts and daylight overdraft policy.
7.5	7.5%	Account Reconciliation Service and sample reconciliation statement.
7.5	7.5%	Stop payment orders- effective time.
7.5	7.5%	Depository’s procedures for direct deposit of employee payroll.
5.0	5.0%	Back-up arrangements for check processing and history of missed notification deadlines.
5.0	5.0%	Problem resolution process.

**GENERAL INSTRUCTIONS**

1. Depository institutions must submit applications in a sealed envelope, marked “Application to Perform Depository Services for the City of Kingsville, RFA Number 22-12” to one of the following addresses by 2:00 p.m. on June 7, 2022:

Applications may be mailed to:

City of Kingsville  
Charlie Sosa Purchasing Manager  
P.O. Box 1458  
Kingsville, Texas 78364

Alternatively, Applications may be hand delivered to:

City of Kingsville  
Finance Department  
City Hall, 3rd Floor  
400 W. King Ave.  
Kingsville, Texas 78363

APPLICATIONS WILL NOT BE ACCEPTED AFTER 2:00P.M., June 7, 2022.

2. **By submitting an application in response to this RFA, depositories will be deemed to agree to the inclusion of certain mandatory contract provisions specified herein.**
3. The City may conduct discussions with any and all depositories deemed by the City to be reasonably eligible for selection for award of the Depository Services Agreement. At the City’s discretion, discussions may include but are not limited to: requests for additional information, application modification, and interviews.
4. The City reserves the right to:
  - a. waive any defect, irregularity, or informality in any application or application procedures;
  - b. reject any and all applications;
  - c. cancel this Request for Applications;
  - d. re-issue a Request for Applications; or
  - e. extend the application submission deadline time and date.
5. All costs incurred by the depository in preparing its application will be the responsibility of the depository.

6. Except at the meeting described below, questions concerning this Request for Applications must be in writing only and addressed to:
- Charlie Sosa Purchasing Manager  
City of Kingsville  
P.O. Box 1458  
Kingsville, Texas 78364

Such questions must be submitted no later than May 24, 2022 at 5:00 p.m. Questions may be submitted by fax machine to (361) 595-8035 or email [csosa@cityofkingsville.com](mailto:csosa@cityofkingsville.com).

Notwithstanding this deadline, questions must be submitted with sufficient time to allow for a reply to reach depositories before the deadline for submission of applications. Any information given to a depository will be furnished to all depositories as an addendum to this Request for Applications if the City determines that such information is necessary for depositories to submit applications or that the lack of such information would be unfairly prejudicial to uninformed depositories.

7. A meeting at which depositories may ask questions of City staff concerning this Request for Applications is scheduled for 10:00 a.m. on May 24, 2022 in the Conference Room, 3rd Floor City Hall at 400 W. King Street, Kingsville, Texas. Depositories may submit applications in response to this Request for Applications whether or not they attend the meeting.
8. Once the contract negotiations are successfully concluded and the Depository Services Agreement is signed by the selected depository, a recommendation will be submitted to the City Manager concerning award of the Depository Services Agreement. The Depository Services Agreement is attached to this RFA as Exhibit E. If the City Manager approves this recommendation, the Depository Services Agreement will then be submitted to the City Commission for consideration. The City will not be bound under any such Depository Services Agreement until the City Commission authorizes the City Manager to execute the Depository Services Agreement and the City Manager or his designee actually executes the Depository Services Agreement.
9. Depositories should submit three (3) identical copies of the applications by the submission deadline. All applications must be typewritten on 8 1/2 x 11 inch paper.
10. To the extent permitted by law, applications will be opened in a manner that avoids disclosure of the contents to competing depositories and keeps the application secret during negotiations. All applications are open for public inspection after the Depository Services Agreement is awarded, but trade secrets and confidential information in the applications are not open to public inspection. It is specifically provided, however, that each depository must identify any information contained in its application that it asserts is either a trade secret or confidential information. Such material must be identified conspicuously by marking each page concerning such information.

**In the event such material is not conspicuously identified, then by submitting its**

**application, a depository agrees that such material will be considered public information.**

11. In case of a discrepancy between unit price and extended price, the unit price will prevail.
12. The City believes that the information contained in this Request for Applications is sufficient for preparation of applications. The information is believed to be accurate; however, the City does not guarantee the accuracy of the information.
13. A questionnaire is attached to this Request for Applications as Exhibit D. The questionnaire must be completed and included in the response to this Request for Applications. **If the application includes incomplete questionnaires, the City will reject the application.**
14. Pricing summary forms are attached to this Request for Application as Exhibit C. The pricing summary forms must be completed and included in the response to this Request for Applications. **The prices must be guaranteed for the initial term of the Depository Services Agreement as well as any option year.**

**If the application includes any incomplete applicable pricing summary forms, the City may reject the application.**

15. The Depository Services Agreement, RFA amendments, RFA, and Depository's Application will constitute the contract documents. Unless specifically referenced by an RFA amendment, all requirements, terms and conditions stated in the original RFA will apply. Any inconsistencies will be resolved in the following order of priority:
  - a. Depository Services Agreement
  - b. RFA Amendment
  - c. RFA
  - d. Depository's Application
16. During any option year of the Agreement, the terms of the Agreement will remain materially the same as the Agreement applicable during the primary term.
17. The applicant who is awarded the Depository Services Agreement by the City Commission will be required to complete and return a Conflict of Interest Disclosure Form and a Form 1295-Certificate of Interested Parties.

#### **CITY DEMAND DEPOSIT ACCOUNT INFORMATION**

The term "demand deposit account" means a deposit of funds that may be withdrawn on the demand of the depositor. The City requires that the Depository provide depository services for the following demand deposit accounts:

- A. The City currently maintains the following interest bearing demand deposit accounts with

Federal Tax ID Number 74-6001513:

- |                        |                           |
|------------------------|---------------------------|
| 1. City of Kingsville: | CMA Account               |
| 2. City of Kingsville: | Insurance Fund            |
| 3. City of Kingsville: | PD Federal Forfeiture     |
| 4. City of Kingsville: | PD State Forfeiture       |
| 5. City of Kingsville: | PD Pending                |
| 6. City of Kingsville: | HOT Monies                |
| 7. City of Kingsville: | Volunteer Fire Department |

B. The City currently maintains the following zero balance accounts with Federal Tax ID Number 74-6001513

1. City of Kingsville: Payroll Fund
2. City of Kingsville: Accounts Payable Fund

### **MANDATORY REQUIREMENTS FOR DEPOSITORY SERVICES**

This section identifies the mandatory requirements for the provision of depository services for City funds. Additional required services are listed on Exhibit C. The depository must be able to provide the mandatory required services to maintain the demand deposit accounts described herein and any other accounts which the City may establish.

**Electronic Cash Management Services.** The City requires that the Depository provide electronic cash management services to the City via electronic data transmission. By using an IBM-PC (or IBM compatible), the City must be able to access and transmit through a secure internet account a variety of balance and transaction information. Software for these services, including but not limited to, stop payments, wire transfers, account balance and transaction information, and transmission of ACH debit or credit transactions, will be furnished and be made available by the Depository at **no cost to the City**.

**Deposits.** The Depository must accept all deposits made by the City during the term of the Depository Services Agreement for deposit in the City Demand Deposit Accounts identified herein. At a minimum, the City requires that the Depository accept City deposits for ledger credit until 2:30 p.m. each business day.

**Automated Information Reporting.** By using an IBM-PC (or IBM compatible), the City must be able to access through a secure internet account, for each City account, the previous day's ending ledger balance, collected balance, float, and debit/credit detail by 8:00 a.m. daily. By this same deadline, this information must be combined to reflect totals for all City accounts taken together.

**Items Processing Service.** The Depository must process all deposited items of checks and cash. Such processing services include encoding services, credit and debit notification given to the City within three business days of the debit or credit, clearing returned items, and return of stamped duplicate deposit slips to the City within one business day of deposit. The City intends to deposit

all revenues directly to the Depository by courier. The deposits will be made in batches with a tape to be provided for each batch. If item processing discovers an error in the deposit, then the City requires a credit or debit notification to be mailed to the City immediately after the account has been adjusted with the appropriate documentation attached to justify the correction. Appropriate documentation is considered to be a copy of the City's tape with the item in question marked and a copy of the check in question.

**Fine Sorting Required.** Any account that has more than 100 checks per monthly statement may be required to be fine-sorted in numerical order by the Depository.

**Insufficient Funds (NSF)/Returned Items.** A complete description is to be provided on all NSF/returned items deposited into City accounts. The description should include the Payer's name, applicable City department, and reason for return. All NSF/returned items must be charged back to the account to which the items were deposited provided that the City department is identified by endorsement stamp or other readily identifiable means on the item. The Depository will send the NSF/returned items to the office designated by an Authorized City Representative.

**Stop payments.** Stop payments must remain in effect for at least six (6) months. By using an IBM-PC (or IBM compatible), the City must be able to initiate stop payments through a secure internet account. Placement of stop payments through a PC transmission does not require written authorization follow-up by the City.

**Automatic payroll deposit services.** By using an IBM-PC (or IBM compatible), the City will electronically transmit City employee payroll data to the Depository through a secure internet access. The Depository will receive the data and prepare an ACH debit so that the Depository payroll account will be debited no sooner than the date of payroll. Attached, as Exhibit A, is the Payroll Calendar for FY 2021-2022.

**General Wire Transfer Services.** By using an IBM-PC (or IBM compatible), the City must be able to initiate general wire transfer services including initiation of repetitive and non-repetitive wire transfers through a secure internet account. The Depository must act upon all electronic, written or verbal transfer requests within one hour from the time received from an Authorized City Representative, and use any means for the transmission of the funds the Depository may consider suitable up until 2:30 p.m.

The Depository must record all telephonic instructions from the City received by the Depository's wire transfer department and retain the recordings for sixty-one (61) days (the period for City notification of discrepancies) following such requests.

In the event there is a loss of interest or use of funds as result of a Depository error for failure to execute a transfer request on the date received, or such other error within the Depository's control, compensation for loss must be corrected by adjusting the aggregate ledger and collected balances of the City accounts to reflect properly the average balances of the amounts that would have resulted had no error occurred.

**Account reconciliation services.** All depository statements and paid items, except those relating to the City employee payroll account, must be on a monthly cycle and must be cutoff on the last calendar day of the month. Payroll is bi-weekly. Exhibit A contains a list of the FY 2021-2022 payroll dates. The depository statements, including all deposit slips and cancelled checks, must be available for pick-up no later than the fifth working day following the assigned cut-off date.

A depository statement checklist must be completed by the depository and sent with the bank statements. A sample checklist is attached as Exhibit F.

If a statement for a City depository account is not cut off as specified by the City, the City will require that the Depository reimburse the City for the costs incurred to reconcile the statement, including City employee overtime costs.

**Depository Reconcilements.** Automated depository reconcilements are required for the Vouchers Payable and Payroll accounts and other accounts as required by an Authorized City Representative as transaction volume increases. By using an IBM-PC (or IBM compatible), the City will electronically transmit reconcilement data to the Depository through a secure internet account. Reconcilements must be available for pick up by the City by the ninth working day following the day the data was transmitted to the Depository. “Add/delete” adjustment forms will be provided by the Depository. The Depository will be required to transmit reconcilement information to the administrators of the City’s health care and worker’s compensation accounts and others as designated by the City.

**Checking with Interest Accounts.** If designated by an Authorized City Representative, a demand deposit account will be set up as interest bearing and interest will be paid monthly. Interest rates will be those set for public fund interest bearing accounts.

**Controlled Disbursement Service.** Specific accounts as designated by an Authorized City Representative will be controlled disbursement accounts. By using an IBM-PC (or IBM compatible), the City must be able to access by 10:15 a.m. same day information concerning controlled disbursement clearings through a secure internet account.

**Zero Balance Accounts.** As designated by an Authorized City Representative, specific demand deposit accounts will be zero balance accounts for ease in reconciling and record keeping.

Depository will pay on presentation all checks drawn and properly payable on a City demand deposit account at no charge to the payee or to the City.

**Deposit Locations.** The City will make Deposits at the Depository’s main Kingsville office or at any of Depository’s Kingsville branches, if any. A deposit ticket will be presented to the Depository with each deposit. The Depository will route specified deposit ticket copies to the City on a daily basis.

**Escrow Accounts.** Periodically during the term of the Agreement, the City may require that an escrow account be established at the Depository. The service fees charged for the escrow account must be the same as the service fees charged to the City for its demand deposit accounts.

## **SERVICE FEE REQUIREMENTS**

The City desires an equitable reimbursement arrangement for the depository services provided. A direct fee basis for services provided by the Depository with an offsetting earnings credit for available balances is the method required by the City. This process requires the monthly calculation of a net depository service cost. The Depository will calculate the total monthly service costs for all accounts and the total monthly earnings credit for all accounts on the account analysis statement. The net of total service costs and total earnings credits equals net banking service costs for the month. Earnings credit must be given to the City for all account balances grouped together and not for just single account balances.

A written invoice evidencing the fees for services must be provided to the City at the end of each month for each account. This invoice must also contain a section summarizing the fees for services for all accounts. The City will have five working days to confirm the services performed prior to authorization of the debit advice(s). The Depository will not debit a City depository account for service fees until the Depository and the City agree that the fees are correct. Fees will be allocated among accounts as designated by an Authorized City Representative.

## **FUNDS TRANSFER REQUIREMENTS**

Incoming wire transfers may occur regularly. The Depository must give both ledger and collected credit the day of the wire receipt, regardless of the time the Depository receives the transfer through the Fedwire System. Credit to City accounts for incoming wire transfers must be immediate.

The City may invest in marketable securities. An outgoing wire transfer will be made in the morning for the reinvestment of funds expected by an incoming wire transfer. The Depository must allow the City to reinvest and to wire funds out in anticipation of an incoming wire transfer later in the day.

The Depository must not charge the City for daylight overdrafts. When a daylight overdraft is anticipated, an Authorized City Representative will notify the designated depository official of the situation.

Notification to the City of incoming wire transfers or problems with outgoing wire transfers must be made within one hour of the transaction. The City allows five authorized employees to initiate repetitive transfers. All authorized employees must be issued a personal identification number in order to initiate wire transactions. If the wire transfer is initiated over the telephone, the City will require that the Depository telephone the City and specifically request to speak to an Authorized City Representative other than the person initiating the wire to verify that the wire is authorized prior to releasing it.

## **OVERDRAFT PROCESSING REQUIREMENTS**

The City does not intend to have an overdraft position on any of its depository accounts throughout the course of the Depository Services Agreement. In the event a check or checks presented for payment on any City account where there exists insufficient funds available for payment, the City



will require the Depository to pay said checks and promptly notify an Authorized City Representative of the existence of the overdraft situation. The City would cover the overdraft within one business day.

### **REQUIREMENTS FOR SECURITIES CLEARANCE AND SAFEKEEPING OF CITY INVESTMENTS**

Investment securities purchased by the City will be delivered by book entry at the Federal Reserve. The purchase and sale of all securities will be on a delivery versus payment or payment versus delivery basis (i.e. for securities purchases, monies will not be released by the City's safekeeping bank until securities are received at the Federal Reserve Bank or further credit to the City's safekeeping bank. In the case of securities sales, monies will be received by the City's safekeeping bank via the Federal Reserve Bank as the securities are simultaneously released to the purchaser). In this manner, the City will always have possession of either the securities or its monies.

The City will send written instructions to the securities clearance department for each transaction. When a City security matures, or when a City security is purchased, funds will be transferred from or to the CMA or another account as directed by an Authorized City Representative. Most of these instructions will be sent by facsimile to assure the timeliness of the operation. The City expects the Depository to give prompt notification of any settlement problems, including securities delivered where the instructions do not match or where instructions have not been given to the Depository.

All securities must be perfected in the name of the City. All book entry securities owned by the City must be evidenced by a safekeeping receipt issued to the City. The original safekeeping receipt for each transaction will be forwarded to the City.

### **FINANCIAL STATUS OF DEPOSITORY**

The City requires a Depository that is fiscally strong and thus requires each depository institution applying to become the City's Depository to include a completed depository credit evaluation form (Exhibit B) in its application. The City may also conduct its own credit analysis.

### **COLLATERAL REQUIREMENTS**

**Background.** As security for the deposits of the City, the Depository must pledge to the City securities equal to the largest total ledger balances the City maintains in the Depository, less the amount of coverage provided by the Federal Deposit Insurance Corporation.

All funds deposited under the Depository Services Agreement must be continuously secured in accordance with applicable federal laws and regulations as well as the laws of the State of Texas, including but not limited to Subchapter C, Security for Funds Held by Depository of Chapter 105, Depositories for Municipal Funds of the Texas Local Government Code; Chapter 2257, Public Funds Collateral Act, Texas Government Code; and this RFA.

**Qualification as Depository.** The Depository will be required to, not later than five days before the commencement of the term of the Depository Services Agreement, pledge security for the funds to be deposited by the City at the Depository as provided by Subchapter C, Security for Funds Held by Depository of Chapter 105, Depositories for Municipal Funds of the Texas Local Government Code; Chapter 2257, Public Funds Collateral Act, Texas Government Code; and this RFA.

**Permissible security.** Only the following types of securities are acceptable to the City to secure City deposits:

- (1) a treasury note of the United States or other evidence of indebtedness of the United States that is guaranteed as to principal and interest by the United States with a stated maturity of five (5) years or less;
- (2) an obligation of an agency of the United States, provided that (i) the market value can be readily established, (ii) the agency note has a stated maturity date of five (5) years or less, and (iii) the obligation has been approved by an Authorized City Representative.

**Custodian of Pledged Securities.** The securities pledged by the Depository as collateral must be deposited with a Texas branch of the Federal Reserve Bank, ("the Custodian"), in escrow in a safe keeping account held in the name of the City. The custodian account must require the authorization of both the Depository and an Authorized City Representative to release pledged collateral. The Custodian, upon receipt of pledged securities, must promptly issue and deliver to the Finance Director trust receipts for the securities pledged. The securities must be held by the Custodian and the Custodian may not transfer or deposit the securities in another institution.

**Amount of Collateral.** Securities pledged by the Depository to secure City funds on deposit identified with federal taxpayer identification number 74-6001513 must have a market value of at least **two million dollars** (\$2,000,000) or as designated in writing by an Authorized City Representative. During the City's tax season which occurs from October through March, the Depository must provide additional collateral as required by an Authorized City Representative.

The market value of a security is to be determined by an Authorized City Representative from a third party source (i.e. Primary dealer, Wall Street Journal) and is binding on the Depository.

**Federally Insured Deposits.** The Depository is not required to provide security for the deposit of City funds to the extent deposits are insured under 12 U.S.C.A., Sections 1811-1835a.

**Additional Security.** An Authorized City Representative may by written order require the Depository to pledge additional collateral at any time it is determined to be advisable. If, for any reason, the total city balance on deposit with the Depository exceeds the market value of pledged security, the Depository must immediately pledge additional securities to the City. Any additional security pledged must meet the requirements of this RFA and must be approved by an Authorized City Representative. Failure to pledge additional securities on the day the Depository is provided written notice constitutes grounds for City Commission to select a new depository as required by law and terminate the Depository Services Agreement. On the same day that notice to pledge

additional securities is received by the Depository, the Depository must execute and deliver a Supplemental Pledge Agreement in a form acceptable to the City to evidence any additions of collateral pledged to secure the deposits of the City. The Supplemental Pledge Agreement must also be placed and continuously maintained in the official records of the Depository.

**Substitution of Securities.** The Depository may substitute one security for another provided that the security meets the requirements of this RFA and provided that the substitution is approved, in writing, by an Authorized City Representative. Prior to such substitution, the Depository must execute and deliver a Supplemental Pledge Agreement in a form acceptable to the City to evidence any substitutions of collateral pledged to secure the deposits of the City. The Supplemental Pledge Agreement must be placed and continuously maintained in the official records of the Depository.

**Release of Security.** If the securities pledged by the Depository exceed the amount required under this RFA, an Authorized City Representative may authorize the release of the excess. All security releases must be approved in writing by an Authorized City Representative.

**Records and Audit.** The Depository must maintain separate, accurate, and complete records relating to the deposit of public funds, the pledged investment securities, and all transactions relating to the pledged investment securities. The Custodian must maintain separate, accurate, and complete records regarding the pledged investment securities. All such records of the Depository or Custodian will be subject to audits by the City of Kingsville, its external auditors, or regulatory agencies. Audits or examinations will be performed to ascertain whether the records and pledged investment securities are in compliance with the Public Funds Collateral Act, Chapter 2257, Texas Government Code.

**Documentation to Be Provided to City.** The Depository and or Custodian must provide documentation relating to the description of securities pledged as collateral, substitution of pledged securities, pledge of additional securities, and withdrawal of excess securities to the Finance Director. A certificate indicating the market value of securities pledged as collateral hereunder must be provided to the City at least monthly.

**Collateral Provision of Financial Institution Reform, Recovery and Enforcement Act (FIRREA).** The Depository must provide certification that the Depository has complied with all requirements of the Financial Institution Reform, Recovery and Enforcement Act (FIRREA) and FDIC policies which may apply to the City's security interests in the pledged collateral and must specify the officers of the Depository who are authorized to sign agreements with the City. Prior to the initial pledge of securities under the Depository Services Agreement, the City will require that the Depository (a) execute a Security Agreement- Pledge and ancillary agreements necessary to effect the pledge of securities to collateralize all of the City's deposits in such form as is acceptable to the City; (b) deliver to the City a certified copy of excerpts from the minutes of a meeting of the Loan Committee and/or Board of Directors of the Depository, properly authorizing the Depository to enter into a Security Agreement-Pledge, and to pledge assets of the Depository to secure all deposits made by the City with the Depository; and (c) deliver to the City certification that the Depository Agreement, the Security Agreement - Pledge, and the authorization of the Board of Directors and the Loan Committee of the Depository have been placed (and will continuously be maintained) in the official records of the Depository.

### **OTHER REQUIREMENTS**

1. The Depository must notify the City in writing within ten (10) days of any changes in federal or state regulations or laws that would thereafter affect the Depository Services Agreement. The Depository must also notify the City of any services, which become available to the City throughout the Agreement period.
2. The Depository's records relating to the City's accounts must be open to review by either City staff members or City-appointed independent auditors during normal business hours.
3. The successful Depository must provide to the City each quarterly CALL report (Schedule RC only) as well as any public information concerning changes in the ownership, management or financial position of the Depository or its parent company.
4. To the extent that the Depository Services Agreement is not governed by applicable federal laws and regulations, the Depository Services Agreement will be governed by and construed in accordance with laws of the State of Texas. Any suit brought in connection with the Depository Services Agreement must be filed in Kleberg County, Texas.
5. Until deposits are credited to the City as evidenced by validation of duplicate deposit slips, the relationship between the City and the Depository as to all contents must be that of Bailor and Bailee. The Depository will be responsible and liable to the City for that same degree of care required under the laws of Texas for Bailees having custody of property of other persons.
6. The Depository must be a participating bank in the Southwestern Automated Clearing House Association to be able to deliver debit and credit payments.
7. The Depository must assign one of its officers employed by the Depository in Kingsville to coordinate the depository relationship established under the Depository Services Agreement. The depository officer is responsible for responding to questions from an Authorized City Representative concerning the performance of depository services. The City will require a review meeting with the depository officer at least once every month to evaluate the working relationship between the City and the Depository and to address any problems.
8. The City will provide the Depository with a Corporate Resolution at the commencement of the contract term. Thereafter, the Depository will not require additional corporate resolutions when an Authorized City Representative opens a new account.
9. The City plans to electronically transmit data to the Depository regarding those City utility customers who have previously authorized the City to automatically debit their demand deposit accounts for City utility bills. The Depository must be able to provide this direct debit service.

## SUBMISSION CHECKLIST

The depository must use the forms provided in this RFA as the forms on which to submit service fees. The depository must respond to questions provided in the attached questionnaire, Exhibit D. Any alterations, changes or deletions to these forms will be grounds for the City to reject the application. Any service which does not have a fee indicated on the forms will be considered to be free of charge in the Depository Services Agreement. Additional pages may be attached as needed to the application and should reference the questions to which a response applies. Each application must contain the following information:

1. A transmittal letter which:
  - a. identifies the depository institution making application for the performance of depository services for the City of Kingsville;
  - b. is signed by an individual, identified by name and title, who is authorized to bind the depository institution contractually;
  - c. identifies the names, titles, telephone, email address and fax machine numbers of individuals who are available to be contacted by the City concerning the application and for additional information; and
  - d. acknowledges, by number, the receipt of any and all addendums to the Request for Applications.
2. Completed pricing summary forms (Exhibit C).
3. Completed questionnaire (Exhibit D).
4. Sample depository statement for a demand deposit account.
5. Sample partial account reconciliation statement.
6. Availability of funds schedule with a clear explanation of deadlines.
7. Sample monthly pledged collateral report.
8. Explanation of basis for money market rates.
9. The most recent annual financial statement of the depository along with the last four (4) quarterly FDIC call reports.
10. Depository Credit Evaluation Form (Exhibit B).

EXHIBIT A

PAYROLL CALENDAR FOR JUNE 1, 2022 THROUGH MAY 31, 2023

<b>Pay Period No.</b>	<b>Pay Day</b>
1	06/01/20
2	06/15/20
3	06/29/20
4	07/13/20
5	07/27/20
6	08/10/20
7	08/24/20
8	09/07/20
9	09/21/20
10	10/05/20
11	10/19/20
12	11/02/20
13	11/16/20
14	11/30/20
15	12/14/20
16	12/28/20
17	01/11/21
18	01/25/21
19	02/08/21
20	02/22/21
21	03/08/21
22	03/22/21
23	04/05/21
24	04/19/21
25	05/03/21
26	05/17/21
27	05/31/21

**EXHIBIT B**  
**DEPOSITORY CREDIT EVALUATION FORM**

**ASSET QUALITY RATIOS**

YEAR ENDING  
2021

YEAR TO DATE  
2022

Equity to asset ratio

\_\_\_\_\_

\_\_\_\_\_

Reserves as % of total loans

\_\_\_\_\_

\_\_\_\_\_

Non-performing loans to total loans

\_\_\_\_\_

\_\_\_\_\_

Current loan loss to total loss

\_\_\_\_\_

\_\_\_\_\_

Loan loss reserves to total loans

\_\_\_\_\_

\_\_\_\_\_

**CAPITAL ADEQUACY INDICATORS**

Total capital and surplus

\_\_\_\_\_

\_\_\_\_\_

Capital to loans

\_\_\_\_\_

\_\_\_\_\_

Capital to total assets

\_\_\_\_\_

\_\_\_\_\_

**PROFITABILITY INDICATORS**

Return on Assets

\_\_\_\_\_

\_\_\_\_\_

Return on Equity

\_\_\_\_\_

\_\_\_\_\_

Net Interest Margin

\_\_\_\_\_

\_\_\_\_\_

**LIQUIDITY RATIOS**

Loans to Deposits

\_\_\_\_\_

\_\_\_\_\_

Gross loans to total assets

\_\_\_\_\_

\_\_\_\_\_

Problem loans to primary capital

\_\_\_\_\_

\_\_\_\_\_

Liquid assets to total assets

\_\_\_\_\_

\_\_\_\_\_

**EXHIBIT C  
 CITY OF KINGSVILLE  
 Pricing Sheets**

<b>NO CHARGES FOR SERVICES TO CITY OF KINGSVILLE</b>			
<b>DESCRIPTION OF SERVICE</b>	<b>ESTIMATED ANNUAL VOLUME (Completed by City)</b>	<b>UNIT PRICE (Completed by bank)</b>	<b>TOTAL ANNUAL SERVICE CHARGES</b>
<b>DEPOSITORY SERVICES</b>			
Deposited Items	60,000		
Deposited Items – Corrections	20		
Account Maintenance	120		
Interim Statement	120		
Payroll Interim Statement			
Debits	12,360		
Credits	790		
Zero Balance Account Service – Master	1		
Zero Balance Account Service – Sub Accounts	2		
Zero Balance Transfers	470		
Return Items	228		
Ledger Overdraft Charge	52		
Internet Stop Payments	6		
<b>CASH VAULT SERVICES</b>			
Deposit Correction – Cash	10		
Commercial Deposit – Loose & Strapped Currency	\$3,511,440		
Coin Verification – Mixed Bag			
<b>GENERAL AUTOMATED CLEARING HOUSE (ACH)</b>			
Payroll (Bi-weekly)	26		
Return Item Notices – Fax Notification	5		
ACH Credits	860		
ACH Transmission	14		
ACH Credit - Cash Management	1,939		
Utilities			
Pre-Authorized Debits			
<b>CONTROLLED DISBURSEMENTS</b>			
Maintenance – 1 <sup>st</sup> Account			
Maintenance – 2 <sup>nd</sup> – 4 <sup>th</sup> Accounts			
Items Paid (4 Accounts)			
<b>WIRED TRANSFER</b>			
Manual Wire – Outgoing Non-repetitive			
Auto Wire – Outgoing Repetitive			



<b>NO CHARGES FOR SERVICES TO CITY OF KINGSVILLE</b>			
<b>DESCRIPTION OF SERVICE</b>	<b>ESTIMATED ANNUAL VOLUME (Completed by City)</b>	<b>UNIT PRICE (Completed by bank)</b>	<b>TOTAL ANNUAL SERVICE CHARGES</b>
Auto Wire – Outgoing Non-repetitive	110		
Auto Wire – Book Repetitive			
Auto Wire – Book Non-repetitive			
Domestic Wire – Incoming	101		
<b>ACCOUNT RECONCILIATION</b>			
Full Reconciliation – 2 Accounts	2		
Payroll Checks	1		
A/P Checks	1		
Partial Reconciliation – 2 Accounts			
To be identified at later date			
To be identified at later date			
<b>INFORMATION SERVICES</b>			
Previous Day Balance (Ledger & Collected)	120		
Previous Day Activity Per Account Combined Operating	120		
Bond Funds			
Payroll	1		
Current Day Detail Item Combined Operating			
Clearing			
Previous Day Detail Item			
Terminal Stop Pay			
Terminal Stop Pay Inquiry – Cancel			
Current Day Maintenance			
<b>SAFE KEEPING &amp; SECURITIES CLEARING</b>			
Account Maintenance	9		
Safekeeping Fees			
Deposit – Withdrawal Fee			
Securities Clearance			
<b>MISCELLANEOUS</b>			
Cashier's Check			
Collateral – Minimum daily coverage for all City accounts	\$2,000,000		
On-Line Base Charge	4		
<b>TOTAL ANNUAL SERVICES CHARGES</b>			
<b>ONE TIME START UP COSTS</b>			
<b>TOTAL ANNUAL FIRST YEAR</b>			

**EXHIBIT D**

**CITY OF KINGSVILLE, TEXAS  
DEPOSITORY SERVICES**

**QUESTIONNAIRE**

Please answer the following questions on separate pages. Each response should reference the question being answered.

1. The City expects the best availability of funds provided to an institutional client of the Depository. Please attach the depository's availability schedule and an explanation of funds credit. The City recognizes that only collected funds may be used as available balances for investment purposes. List any ways the City could periodically improve availability of funds. List all time deadlines clearly.
2. At a minimum, the City requires that the Depository accept City deposits for ledger credit until 2:30 p.m. each business day. List the cut-off time for accepting deposits for same day credit.
3. Please describe your depository's ability to sufficiently and continuously collateralize City deposits. Enumerate the types of securities which you propose to pledge. Describe reporting methods and steps, if any, which would be employed to detect deficiencies in collateral position.
4. Please describe your securities clearance and safekeeping procedures. Please explain the method your depository uses to calculate safekeeping and securities clearance fees.
5. Please provide a detailed explanation of the depository's policy and methodology used in the setting of the earnings credit rate. Provide a schedule of the earnings credit rates offered by the depository since January 1, 2022.
6. Does the depository offer a fixed rate of interest if the City agrees to maintain a specified collected balance? If so, please provide the appropriate information.
7. List minimum ledger and collected balances required to earn interest.
8. List the interest rates currently paid on interest bearing accounts.

9. What back-up arrangements for check processing exist in case of any system failures?
10. In order to fund check presentments and manage the City's depository accounts and investments, controlled disbursement services are required. Please describe the controlled disbursement services available. Where are the disbursing depositories located? How much time delay could the City expect in utilizing this service?
11. In order to fund check presentments and manage the City's depository accounts and investments, check presentment totals must be made known to the City no later than 10:15 a.m. Notification after this time may result in the City not being able to adequately fund checks. If an overdraft occurs due to a late notification by the depository, the City will not be charged any overdraft charges. How many times has the depository missed notification deadlines and by how much within the one year period ending 12-31-22?
12. Please describe the Account Reconciliation Service offered by the depository and attach a sample reconciliation statement.
13. Does the depository have an established maximum dollar limit that may not be exceeded by an individual check or wire transfer? Are there any other restrictions regarding individual check amounts?
14. The City requires that its Depository offer automated stop payment service. At a minimum, stop payments must remain in effect for at least six (6) months. How long are stop payment orders effective? When does the stop payment order take effect?
15. Direct deposit of payroll is a service the City offers its employees. Approximately 300 employees are set up for automated payroll deposit. Explain how this process is carried out by your organization. The City will require that the payroll transfers occur electronically via terminal directly to the employee's depository account. Please provide cut-off times and other appropriate information.
16. Has the depository or its parent company had any problems noted by regulatory agencies in the past 24 months? If "yes", please explain.
17. Please describe the process by which service problems can be resolved. What person or organizational unit is available for complaint or problem resolution?

18. The City of Kingsville will frequently initiate, via terminal, time sensitive wire transfers which must be received by the beneficiary by a certain time of day, such as 10:00 a.m. Please describe the depository's daylight overdraft policy with respect to such transfers where the funding for the transfer has not yet been credited. What is the depository's internal review and approval process for releasing such transfers?
19. Describe any other cash management or depository services that could be offered to the City.  
  
List all charges that would apply.
20. Please list all other public funds customers in Kingsville, Texas that the depository currently serves as a depository as well as the name and telephone number of a contact person.
21. The City requires that the Depository have a successful history of providing electronic cash management services. What electronic cash management services are currently provided? How long has the depository provided each of these services?
22. Please specify days on which the disbursement depository would be closed or would not receive cash letters.
23. Describe USB media resources available to replace original canceled checks.
24. The City currently electronically transmits data via computer terminal to the Depository regarding those City utility customers who have previously authorized the City to automatically debit their demand deposit accounts for City utility bills. Please state the procedure for this service and list appropriate cut-off times that would apply.
25. The City currently accepts credit card payments in designated departments of the City for citizens to pay utility bills, court fines or other fees. Please list all charges and state what arrangement the depository could make with the City to help cut costs for this service. Attach any relevant information about equipment, availability of funds, and any supplies needed.

# **AGENDA ITEM #22**

**City of Kingsville  
Finance Department**

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TO: Mayor and City Commissioners  
CC: Mark McLaughlin, City Manager  
FROM: Charlie Sosa, Purchasing Manager  
DATE: June 9, 2022  
SUBJECT: City Hall and Proposed Chamberlain Park Landscaping

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**Summary:**

This item authorizes the funds to be budgeted from CO 033-5-1030-000 for Landscaping Architect Services, Robert Gignac with Gignac Landscape Architecture from Corpus Christ, Texas, 78411. Robert Gignac has been retained to design and assist with landscaping for City Hall and Chamberlain Park in the amount of \$7,200.00.

**Background:**

City Manager and Mayor have met with Caroline A. Forgason daughter of former Helen Kleberg Groves on plans to landscape the City Hall which includes all City Hall, Cottage green space and the proposed Chamberlain Park area. Robert Gignac met with Caroline A. Forgason, Mayor, and City Manager to discuss the vision Mrs. Helen Kleberg Groves had for City Hall landscaping and Chamberlain Park. Mr. Gignac has designed a landscaping plan for review to be approved by Caroline A. Forgason. Please see attached landscaping plan.

**Financial Impact:**

Funds are available through 033-5-1030-31400 of which \$7200.00 are available.

**Recommendation:**

It is recommended the City authorizes the budget amendment in the amount of \$7,200.00 for City Hall Landscaping to Robert Gignac of Gignac Landscape Architecture 3833 S. Staples Ste. N-119, Corpus Christi, Texas, 72411.





City of Kingsville, TX

# Budget Report

## Account Summary

For Fiscal: 10/2021-09/2022 Period Ending: 06/30/2022

Fund: 033 - CO SERIES 2016 - GENERAL

Expense

033-5-1030-31400

Professional Services

Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Encumbrances	Variance	
					Favorable (Unfavorable)	Percent Remaining
0.00	0.00	3,600.00	3,600.00	3,600.00	-7,200.00	0.00 %
0.00	0.00	3,600.00	3,600.00	3,600.00	-7,200.00	0.00 %
0.00	0.00	3,600.00	3,600.00	3,600.00	-7,200.00	0.00 %
0.00	0.00	3,600.00	3,600.00	3,600.00	-7,200.00	0.00 %

Expense Total:

Fund: 033 - CO SERIES 2016 - GENERAL Total:

Report Total:

Group Summary

Account Type

Fund: 033 - CO SERIES 2016 - GENERAL

Expense

	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Encumbrances	Variance	
						Favorable (Unfavorable)	Percent Remaining
	0.00	0.00	3,600.00	3,600.00	3,600.00	-7,200.00	0.00 %
Fund: 033 - CO SERIES 2016 - GENERAL Total:	0.00	0.00	3,600.00	3,600.00	3,600.00	-7,200.00	0.00 %
Report Total:	0.00	0.00	3,600.00	3,600.00	3,600.00	-7,200.00	0.00 %



## Fund Summary

Fund	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Encumbrances	Variance	
						Favorable (Unfavorable)	Percent Remaining
033 - CO SERIES 2016 - GENERAL	0.00	0.00	3,600.00	3,600.00	3,600.00	-7,200.00	0.00 %
Report Total:	0.00	0.00	3,600.00	3,600.00	3,600.00	-7,200.00	0.00 %

Robert Gignac, ASLA

April 12, 2022

Mr. Carlos Sosa  
200 East Kleberg Avenue  
City of Kingsville  
Kingsville Texas 78363

Re: Landscape Architectural Services – Landscape Master Plan  
City Hall and adjacent Park Area

Dear Carlos:

Per our recent meeting concerning the development of Landscape Master Plan for the City Hall, please accept this letter as our proposal to perform the landscape architectural services for the referenced project.

Gignac Landscape Architecture is structuring the fee proposal for the Landscape Master Plan into a lump sum agreement. This proposal does not include construction documents.

Design services for the project shall include the following:

<b>Landscape Master Plan Development</b>
--

- Field-locate existing plant material which will be incorporated into the new design.
- Recommend landscape maintenance and related improvements for existing plant material which will be designated to be included within the new design.
- Develop and provide a couple of schematic designs for review and approval which identify proposed plantings, future play areas, bathroom, nature walks, formal statue plaza. 'Active play areas baseball and site amenities & enhancements.
- Develop a Landscape Master Plan to follow the design criteria set forth by the Design Committee.
- The design includes decorative paving and with site amenities (benches, trash receptacles, etc.).
- Generate planting plans and details to convey planting intent.
- Coordinate all future improvements with the Design Committee.

Landscape Architectural Fees Shall Include:

- The necessary conference and site visits for the preparation of preliminary studies and final designs.
- The production of complete landscape architectural drawings and specifications.


City of Kingsville shall supply or reimburse the Following:

- All base and site maps. (AutoCAD)
- Existing utility layout (water source, electrical layout and drainage layout)
- Topographic plans.
- Approval of preliminary conceptual designs and sketches.
- All ADA requirements.
- All mechanical & structural designs.
- All printing, plotting and reproduction fees.
- Includes two additional site visits.

Gignac Landscape Architectural proposes to perform the outline landscape architectural services for a lump sum fee of Seven Thousand Dollars \$7,000.00.

Gignac Landscape Architecture appreciates the opportunity to be of service to the City of Kingsville Texas. Should you have any questions or require additional information, please contact me.

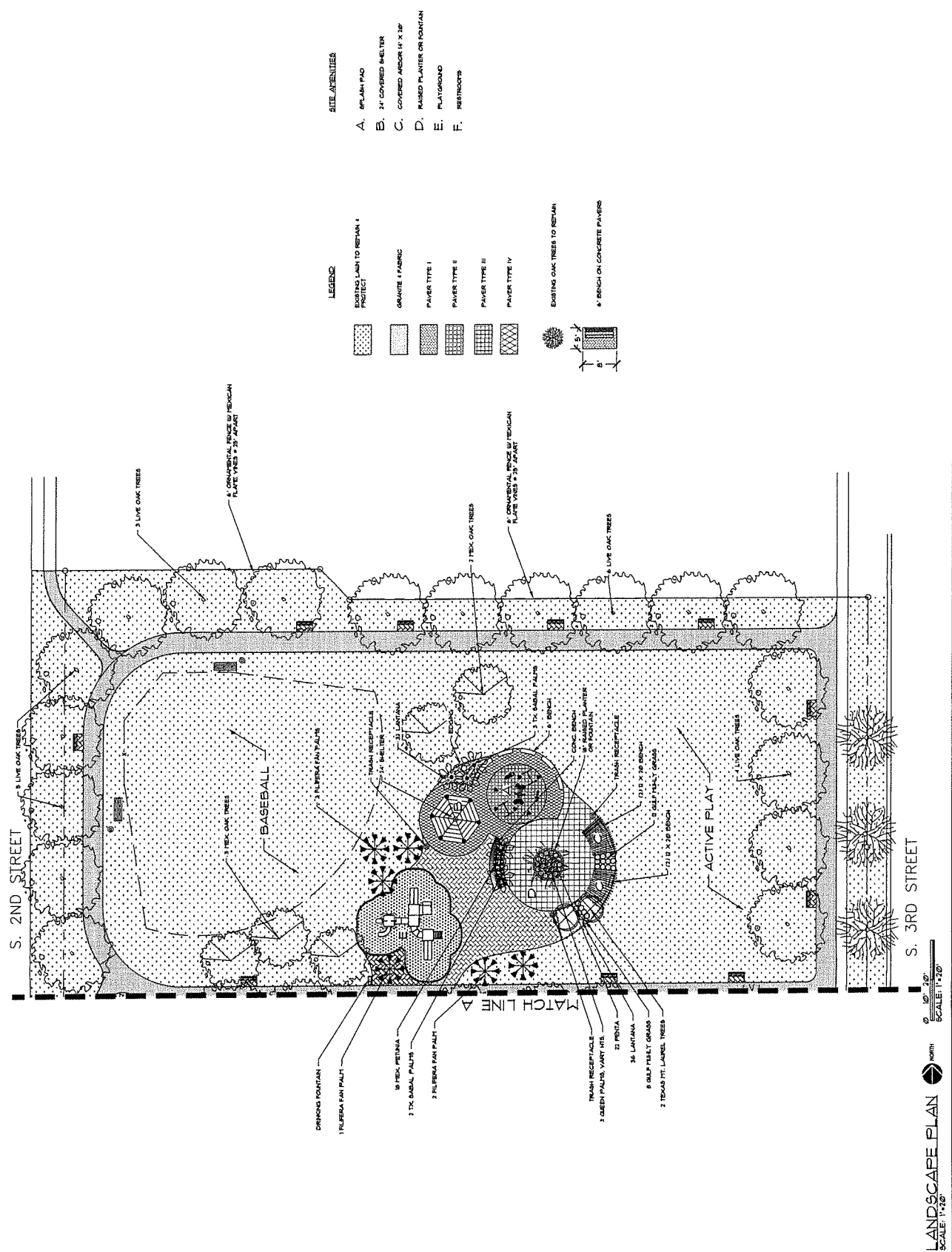
Respectfully,

  
Robert Gignac, ASLA, RLA  
Landscape Architect  
Gignac Landscape Architecture

Accepted By: \_\_\_\_\_

Title: \_\_\_\_\_





**ORDINANCE NO. 2022-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2021-2022 BUDGET TO APPROPRIATE FUNDING FOR LANDSCAPE ARCHITECTURE SERVICES FOR CHAMBERLAIN PARK.**

**WHEREAS**, it was unforeseen when the budget was adopted that there would be a need for funding for these expenditures this fiscal year.

I.

**BE IT ORDAINED** by the City Commission of the City of Kingsville that the Fiscal Year 2021-2022 budget be amended as follows:

CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT #41

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 033 – CO Series 2016</b>					
<u>Expenditures</u>					
1030	City Special	Professional Services	31400	\$7,200	

[To amend the City of Kingsville FY 21-22 Budget to appropriate funding for landscape architecture services for Chamberlain Park. This expenditure will come from the unappropriated fund balance of the CO Series 2016 Fund.]

II.

**THAT** all Ordinances or parts of Ordinances in conflict with this Ordinance are repealed to the extent of such conflict only.

III.

**THAT** if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

**THAT** this Ordinance shall not be codified but shall become effective on and after adoption and publication as required by law.

**INTRODUCED** on this the 27th day of June 2022.

**PASSED AND APPROVED** on this the 11th day of July 2022.

**EFFECTIVE DATE:** \_\_\_\_\_

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney

## **AGENDA ITEM #23**